



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh
Alternate Designated Agency Ethics Official

TO: (b) (6) Director
Office of Community Revitalization
Office of Policy

I have received your request to continue to engage in outside activity as an adjunct professor at George Washington University's Arlington campus in their sustainable urban planning program. You indicate that this position will be compensated (approximately (b) (6)), and you will be teaching one course entitled "Sustainable Urban Planning II: Reading Cities and Towns."

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties, either at the university or at EPA. I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by George Washington University (GWU), you may well be considered its employee (as opposed to an independent contractor) and therefore have a financial conflict of interest. You should therefore not participate as part of your EPA duties in any matter that will have a direct and predictable financial effect upon GWU. You cannot work on particular matters that involve GWU as a specific party (e.g., whether the Associate Administrator should accept an invitation to speak at the University), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if GWU is an expected applicant).

Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. This rule applies to you even though you are uncompensated. See 18 U.S.C. § 205. In your capacity as an affiliate adjunct professor, you cannot contact the U.S. government or any official on behalf of GWU, which includes contacting federal employees to speak as part of their official duties before your class.

Misuse of Position

Because this position is compensated, you are never permitted to use EPA time, resources or property to further the activity. You cannot set "office hours" with students during official EPA time. There is no *de minimis* use of EPA resources for any compensated outside activity.

Financial Disclosure Report

Please remember that you will have to report the outside position and the compensation on your financial disclosure report that covers CY 2018 (which is due May 15, 2019).

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Sustainable Communities

Office of Policy

MEMORANDUM

DATE: July 17, 2019

SUBJECT: Approval of Outside Activity

FROM: Matthew Dalbey
Deputy Ethics Official

TO: (b) (6)
Federal & State Division
Office of Community Revitalization

I have received your request to continue to engage in outside activity as a lecturer at the University of Maryland's College Park, MD campus in their Federal Fellows Program that is part of the University's Undergraduate Studies Program. You indicate that this position will be compensated (approximately (b) (6)), and you will be teaching one course entitled "Energy and Environmental Policy" to undergraduate students.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties, either at the university or at EPA. I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by the University of Maryland (UMD), you may well be considered its employee (as opposed to an independent contractor) and therefore have a financial conflict of interest. You should therefore not participate as part of your EPA duties in any matter that will have a direct and predictable financial effect upon UMD. You cannot work on particular matters that involve UMD as a specific party (e.g., whether the Associate Administrator should accept an invitation to speak at the University), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if UMD is an expected applicant).

Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. This rule applies to you even though you are uncompensated. See 18 U.S.C. § 205. In your capacity as an affiliate adjunct professor, you cannot contact the U.S. government or any official on behalf of UMD, which includes contacting federal employees to speak as part of their official duties before your class.

Misuse of Position

Because this position is compensated, you are never permitted to use EPA time, resources or property to further the activity. You cannot set "office hours" with students during official EPA time. There is no de minimis use of EPA resources for any compensated outside activity.

Financial Disclosure

Please remember that you will have to continue to report the outside position in your confidential financial disclosure report as you have in past years.

MEMORANDUM

SUBJECT: Request for approval of outside activities

FROM: (b) (6) GS 15

TO: Nena Shaw, Deputy Ethics Official

THROUGH: Sharquita Goldring, Assistant DEO

CC: Rob Tomiak, future Office Director

DATE: September 25, 2017

(b) (6)

9/29/2017

9/29/2017

I would like to request approval to continue to serve as an adjunct professor for SUNY Buffalo Law School's "Environmental Law: Pollution Control" Spring course. I and two other adjuncts teach with Professors Errol Meidinger and Kim Connolly. My future supervisor (as of October 15th), Rob Tomiak, has approved this request.

The course meets for three hours each Monday. I will only participate in the sessions I teach, which are scheduled consecutively for October 9th (Columbus Day), October 16th and October 23rd. I teach in person and remotely. I do preparation, conversations with students (which are rare), grading, and other activities on my own time.

My estimated time (including my own time) will be 9 hours teaching, 18 hours preparing (much of which I've already done on my own time, having taught the course for many years), and 13 hours grading, for a total of 40 hours. I will use annual leave or compressed time for teaching and any travel on days that I would otherwise be here at work. Although I do not anticipate any such work, I would use annual leave to cover any other work related to the course that occurs during my normal duty hours. For everything except my three teaching sessions I can schedule around any conflicts or obligations at EPA.

In the course I cover RCRA, CERCLA, and CWA storm water requirements, drawing upon experiences at EPA, as counsel for the recycling industry, as a local environmental commissioner, and as Congressional staff. Few if any topics relate to my official duty at EPA in the Policy Office – on permitting, for example, I teach statutory and regulatory requirements and case law rather than permit reform – and the course is part of the regularly established curriculum at this institution of higher education (5 CFR 2635.807(a)(3)). I will not use official duty time or Government property, resources, or facilities not available to the general public in connection with this outside employment.

The basis for my compensation is per annum (biweekly) and the amount of compensation expected is (b) (6). I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.102 (EPA's Supplemental Regulations). I have inquired and SUNY Buffalo Law School does not to the best of its knowledge or mine hold any EPA assistance agreements or contracts.

Please let me know if you have any questions or would like any additional information. Thank you.

MEMORANDUM

From: (b) (6)
To: Al McGartland, Deputy Ethics Official
Subject: Outside Employment (University Teaching)
Date: February 2, 2017
CC: Brett Snyder, Division Director; Shelley Levitt, Chief of Staff

I am seeking approval to teach part-time at American University and the University of Maryland.

As an adjunct assistant professor in the Economics Department at American University, I teach ECON 379: "Economics of Environmental Policy". The class meets from 4:05 to 5:20 on Tuesdays and Fridays during the Spring 2016 and Spring 2017 semesters. Compensation for teaching this course is (b) (6) per semester.

I was recently offered a lecturer position in the Agricultural and Resource Economics Department at the University of Maryland, where I would be teaching AREC 240: "Introduction to Economics and the Environment". The class will meet from 3:30 to 4:45 on Mondays and Wednesdays during the Fall 2017 semester. Compensation for teaching this course is (b) (6) per semester.

This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA. Teaching and any preparation work will be done on my own time and will not use official duty time. The classes meet late in the afternoon, and EPA's "flexitour" work schedule with credit hours allows me to earn and use credit hours (upon the Division Director's approval) to accommodate both my EPA and teaching schedules. In preparing and teaching these classes, no government property or resources will be used (except for de minimis use).

Sincerely,

(b) (6)

Research Economist
National Center for Environmental Economics
United States Environmental Protection Agency.

Approved:


Al McGartland
AO/OP/NCEE
Deputy Ethics Official

Date

MEMORANDUM

FROM: (b) (6)

TO: Al McGartland, Deputy Ethics Official

SUBJECT: Outside employment, university teaching

DATE: 11 May 2016

CC: Shelley Levitt, Chief of Staff

The purpose of this memo is to request ethics approval for an outside employment opportunity.

I have been invited to teach a course on environmental economics in the Applied Economics Program at Georgetown University this summer. The class will take place on Monday evenings, outside of EPA work hours, beginning on 16 May 2016 and ending on 1 August 2016. The class will be held on the Georgetown University campus in Washington, DC. Pending approval, I will co-teach the course with Alex Marten. Compensation for each instructor is (b) (6) for the semester.

Thank you.

Approved Al McGartland Date 5/25/16
Al McGartland
OPEI/NCEE
Deputy Ethics Official

(b) (6)

1200 Pennsylvania Avenue, Washington, DC 20460

(b) (6)

3

April 17, 2015

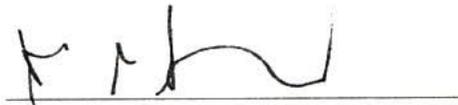
I am seeking approval to accept an offer for a part-time faculty position as an Adjunct Professor at Georgetown University. The job would entail teaching one class at night after my official duty hours. I would spend no official duty hours or Agency resources in completing my obligation to Georgetown University.

Sincerely,

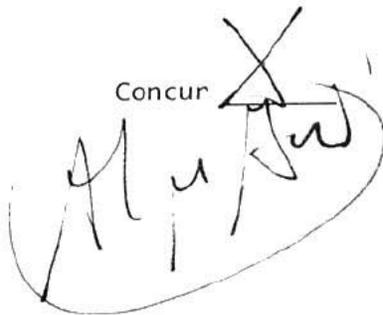
(b) (6)

Economist
National Center for Environmental Economics
United States Environmental Protection Agency

Al McGartland



Concur



Do not concur _____

MEMORANDUM

From: (b) (6) 7,
To: Al McGartland, Deputy Ethics Official
Subject: Compensation for teaching class at George Mason University
Date: August 1, 2016

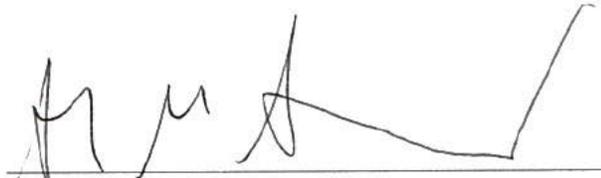
Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the Schar School of Policy and Government of George Mason University (GMU). The course is ITRN 504: Microeconomics and Trade Policy. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

“Provides a foundation in microeconomics, including supply and demand analysis, elasticities, the theory of the firm, allocative efficiency and market failure. Covers applications of this microeconomic foundation to international trade theory, trade policy analysis, preferential trade agreements, and international production. Emphasis is on graphical and algebraic analysis.”

The class will meet 7:20-10:00 PM on Tuesday during the Fall 2016 semester at the Arlington Campus of GMU. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved:  8/2/2016
Al McGartland Date
Deputy Ethics Official

Disapproved: _____
Al McGartland Date
Deputy Ethics Official

Nickerson, William

From: Nickerson, William
Sent: Tuesday, November 20, 2018 3:04 PM
To: (b) (6)
Subject: RE: DEO approval request RE: 2019 ethics statement for GWU job

This is approved and please also take the annual ethics training before the end of the year. Thank you.

William (Bill) Nickerson
Associate Office Director
Office of Regulatory Policy and Management
Office of Policy
Phone: (202) 566-0326

From: (b) (6)
Sent: Wednesday, November 14, 2018 12:04 PM
To: Nickerson, William <Nickerson.William@epa.gov>
Subject: DEO approval request RE: 2019 ethics statement for GWU job

Hi Bill,

I'm requesting the re-approval of my GWU teaching position per 5 CFR 6401.103 part (d) – Prior approval for outside employment. Reauthorization is required every 5 years “unless the employee's Deputy Ethics Official specifies a longer time period.” Updated information is provided below. Thank you for your review of this request.

(b) (6)

From: (b) (6)
Sent: Thursday, September 20, 2018 2:38 PM
To: Nickerson, William <Nickerson.William@epa.gov>
Subject: 2019 ethics statement for GWU job

Bill,

I am pleased to provide the following updated information for ethics approval related to my teaching/lecturer position at GWU. I have held this position with GWU since October 2014.

- (1) Employee's name, title and grade - (b) (6) Regulatory Impact Analyst, GS-14
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected - I will be a Session Leader/Lecturer for George Washington University's Milken School of Public Health course Environmental Health in a Sustainable World course (PubH 6004). I will have one to two session per week for the Spring, Summer, Fall and Winter sessions of 2019. I guide discussions around that week's topic related to environmental and occupational health. Classes are taught online via 2U Online University software with some on-campus classes,

depending on needs, and meetings with students and faculty. I will be compensated around (b) (6) per class. On occasion, I will be asked to lead on-campus breakout group discussions for the same class, Environmental Health in a Sustainable World, with corresponding compensation being (b) (6). Total GWU estimated compensation for 2019 should be around (b) (6).

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months)

Peter LaPuma, PhD, CIH, PE

Associate Professor

Department of Environmental & Occupational Health

The George Washington University

2100 M Street, NW; Ste 203A

Washington, DC 20037

202 - 994 - 5185 (office)

(4) The estimated time to be devoted to the activity – 10 to 15 hours per week depending on grading assignment needs

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required) – Yes, all activities will take place outside of normal duty hours

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment – I certify that no official duty time will be used in my capacity of Session Leader for GWU coursework. I will not use Government property, resources, or facilities in connection with my GWU teaching position.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.) – Fee paid in 5 installments over 5 months per semester

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec. 6401.102 – I state I have read and understand the referenced code of federal regulations, specifically Subpart H on Outside Activities, and will abide by the restrictions described.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided – None that I am aware of

Please let me know if you need more information.

Best,

(b) (6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Sustainable Communities

Office of Policy

MEMORANDUM

DATE: May 13, 2015

SUBJECT: Request for Approval to Engage in Outside Employment*
or Other Outside Activity

FROM: (b) (6) Director
Community Assistance and Research Division (MC1807T)

TO: Matt Dalbey
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) Employee's name (b) (6)
title and grade: **Director, Community Assistance and Research Division, GS 15**
- 2) Nature of the outside activity, including a full description of the services to be performed— **Teach two graduate level urban planning courses (Fall and Spring)**
and the amount of compensation to be expected; ** (b) (6) per course
- 3) The name and business of the person or organization for which the work will be done – **George Washington University, College of Professional Studies**

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate **exact dates** if known.) **8 to 10 hours per week**

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) **Yes**

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); **per course**

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) **None within the EPA Office of Sustainable Communities**

* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

**Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

 5/13/15
Employee's signature Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL  5/14/15
Date

DISAPPROVAL _____
Date

Friday, August 10, 2018 8:48 AM

Subject	RE: REQUEST TO PARTICIPATE IN OUTSIDE ACTIVITY
From	(b) (6)
To	Richardson, RobinH
Cc	Levine, Carolyn
Sent	Monday, September 24, 2018 1:04 PM

Absolutely.

Thank you.

(b) (6)

(b) (6)
Office of Congressional Affairs
U.S. Environmental Protection Agency ● 1200 Pennsylvania Avenue, N.W. ● Mailcode: 1301A
● Washington, DC 20460
(b) (6) – Office ● 202.501.1550 - Fax

From: Richardson, RobinH
Sent: Monday, September 24, 2018 12:23 PM
To: (b) (6)
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: REQUEST TO PARTICIPATE IN OUTSIDE ACTIVITY

Thank you (b) (6) Please let us know how it all goes. Best, Robin

Robin H Richardson
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-3358 (desk)
703-581-5814 (cell)
richardson.robinh@epa.gov

From: (b) (6)
Sent: Monday, September 24, 2018 11:53 AM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>

Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: REQUEST TO PARTICIPATE IN OUTSIDE ACTIVITY

Revised per your comments.

Thank you.

(b) (6)

(b) (6)
Office of Congressional Affairs
U.S. Environmental Protection Agency ● 1200 Pennsylvania Avenue, N.W. ● Mailcode: 1301A
● Washington, DC 20460
(b) (6) – Office ● 202.501.1550 - Fax

From: Richardson, RobinH
Sent: Monday, September 24, 2018 11:40 AM
To: (b) (6)
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: REQUEST TO PARTICIPATE IN OUTSIDE ACTIVITY

Thank you (b) (6) Would you please add the stipend information to #1? You should also clarify that no government resources will be used. I've attached some suggested edits. Thank you again! Robin

Robin H Richardson
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-3358 (desk)
703-581-5814 (cell)
richardson.robinh@epa.gov

From: (b) (6)
Sent: Friday, September 21, 2018 12:53 PM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: Re: REQUEST TO PARTICIPATE IN OUTSIDE ACTIVITY

Robin,

There is a monthly stipend provided to Commissioners of (b) (6)

(b) (6)
U.S Environmental Protection Agency

Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Sep 21, 2018, at 9:00 AM, Richardson, RobinH <Richardson.RobinH@epa.gov> wrote:

Hi (b) (6) – Thank you for letting us know of your interest in the elections and completing the request. Quick question...is this a compensated position? If any of these conditions change please let us know. Otherwise, no concerns. Thank you again! Robin

Robin H Richardson
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-3358 (desk)
703-581-5814 (cell)
richardson.robinh@epa.gov

From: (b) (6)
Sent: Tuesday, September 11, 2018 3:27 PM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: REQUEST TO PARTICIPATE IN OUTSIDE ACTIVITY

After discussing with Justina Fugh, I wanted to share information and request management approval for participation in October 1, 2018 elections. Please let me know if you need more information.

Thank you.

<image001.jpg>

(b) (6)
Office of Congressional Affairs
U.S. Environmental Protection Agency ● 1200 Pennsylvania Avenue, N.W. ● Mailcode:
1301A ● Washington, DC 20460
(b) (6) – Office ● 202.501.1550 - Fax

REQUEST TO PARTICIPATE IN OUTSIDE ACTIVITY

Name, Title and Grade;

(b) (6) Congressional Liaison, GS-14/8

The nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

Campaigning for Office (Non-Partisan Seat): Commissioner, Ward II, City of District Heights, Maryland. Elections will be held on Monday, October 1, 2018. Commissioners receive an (b) (6) monthly stipend.

In the City of District Heights, the City Council has a body of a Mayor and (4) four elected commissioners. If elected, I will be (1) one of a total of (4) four commissioners responsive for approval of the budget, oversee spending, hire of county employees and other general functions.

The estimated time to be devoted to the activity;

City Meetings are scheduled the first Thursday of the month, and the second and fourth Tuesday of the month. The meetings are scheduled after my assigned work hours, 7:00pm – 9:00pm. City Council work sessions are scheduled on Monday evenings, 7:00pm – 9:00pm.

Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

I expect city resident may contact me during the course of my normal duty hours. I estimate 20 - 30 minutes per day. I do not expect calls will impact my work performance. City employees are available to respond to most resident inquiries.

A statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

If elected, my duties as Commissioner are not expected to be performed during my official work hours. No official duty time or government property, resources, or facilities will be used.

A statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 ([Subpart H on “Outside Activities”](#)) and Section 6401.103 ([EPA’s Supplemental Regulations](#)); and

I have read, and am familiar with, and will abide by the restrictions described 5 CFR Part 2635 ([Subpart H on “Outside Activities”](#)) and Section 6401.103 ([EPA’s Supplemental Regulations](#)).

An identification of any EPA assistance agreements or contracts held by a person to or pay for whom services would be provided.

N/A

(b) (6)

Approval Request for Outside Activity

- (1) Employee's name, title and grade;
 - a. (b) (6)
 - b. Senior Policy Analyst
 - c. GS-15

- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
 - a. I have a patent pending for a new type of wood stove "steamer," which I invented. My business is focused on selling the license rights to this device. As part of this process, I am planning to undertake a number of steps to evaluate the potential marketability of the invention. These include low volume web and retail based sales to help evaluate consumer interests.
 - b. As of this date, there has been no compensation from outside parties to me for any of this work. Potential compensation is very difficult to estimate until the market testing has been completed. Over the next year, net income is expected to be zero.

- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
 - a. The name of my company is (b) (6) and I am self-employed. My current work includes 1) working with engineers on the design of the invention, and 2) evaluating retail and web based marketing potential.
 - b. The number of customers potentially purchasing the invention over the next six months could range from 200 to 2000 units sold. Note that no net income is expected from the sale of these units.
 - c. While my current goal is to sell the patent rights to the invention, my first step is to demonstrate the marketability of the product, which will be the focus of the next 6 months or so.

- (4) The estimated time to be devoted to the activity;
 - a. I am currently spending about 15-20 hours a week in the evenings, compressed day and weekend on this activity.

- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
 - a. I will be requesting approximately 4 days of annual leave to attend trade shows during the next 6 months. I may also request an additional 8 hours of annual leave to attend business meetings.

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
 - a. I will not be using any official duty time or government property, resources or facilities not available to the general public for this outside employment.
 - (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);
 - a. Compensation may include income from sale of individual steamers and licensing fees.
 - (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec. 6401.102; and
 - a. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec. 6401.102.
 - (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.
 - a. I am not aware of any EPA assistance agreements or contracts held by persons to or for whom I am providing any services.
-

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to patent, market, and sell and eventually license an invention he made. He has formed a company (b) (6) for this purpose, and he is its sole employee.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations regarding outside activities, particularly those found in § 2635, Subpart H – Outside Activities. § 2635.801(b) states that any employee who wishes to engage in outside employment or other outside activities must comply with all relevant provisions of this subpart, including, when applicable:

To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

(A) The activity is undertaken as part of the employee's official duties; No

B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular

subject matter; No

(C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No.

(D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



Christopher Grundler, Deputy Ethics Official, OTAQ

12/23/14

MEMORANDUM

SUBJECT: Request for Approval to Engage in Outside Employment
FROM: (b) (6) Environmental Scientist, GS-14
THRU: Jon Edwards, Division Director

And

Kia Logan, Director
Program Management Office

TO: Michael P. Flynn, Director
Office Radiation and Indoor Air

As required by the EPA supplemental ethics regulations, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the following:

1. Employee's Name, Title and Grade:
2. (b) (6) Environmental Scientist, GS-14
3. Nature of the Outside Activity: Perform peer review of PA TENORM study. Most comprehensive study of TENORM related to fracking yet to date. I have been asked to do this along with about six other reviewers from academia, industry and government.
4. Name of business or profession:
PA Department of Environmental Protection | Office of Waste, Air, Radiation and Remediation
Rachel Carson State Office Building
400 Market Street | Harrisburg PA 17101
Phone: 717.772.2725 | Fax: 717.787.8885
Attention: Dave Allard
5. Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): None. No compensation, no per diem. No fee.
6. Estimated time devoted to this activity: should be no more than 40 hours.
"The report contains Sections 1.0 – 9.0 and a Table of Contents that includes a list of abbreviations, acronyms and symbols as well as a glossary of terms." The Appendices [are] on a CD <snip> "With that mailing will be a hard copy of the Study Report. "

7. Indicate whether the activity will be performed entirely outside of normal duty hours: Yes. I am on annual leave through December 28, then will work on it during the evenings/weekends until review is complete. It is due early January.

I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

There are no EPA assistance agreements or contracts held by the entity the services are being provided to.

Approved Disapproved



Michael P. Flynn, Director, ORIA
Deputy Ethics Official

12/23/14
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF RADIATION AND INDOOR AIR

National Analytical Radiation Environmental Laboratory
540 South Morris Avenue, Montgomery, AL 36115-2600
334-270-3400

April 21, 2015

MEMORANDUM

SUBJECT: Request for Outside Employment Approval

FROM: (b) (6) Laboratory Director (b) (6)

THRU: Kia Logan, Director
Program Management Office (PMO-6601J) *KL*

TO: Michael Flynn, Director
Office of Radiation and Indoor Air (ORIA-6601J)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

- (1) Employee's name, title and grade: (b) (6) Laboratory Director, GS-15.
- (2) Nature of the activity and the amount of compensation expected: Adjunct Professor, (b) (6) per school term.
- (3) The name & business of the person/organization for which the work will be done: Troy University Montgomery.
- (4) The estimated time to be devoted to the activity: 10 hours per week.
- (5) Whether the service will be performed entirely outside of normal duty hours: The service will be performed entirely outside of normal duty.

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used: No official duty time or Government property, resources, or facilities not available to the general public will be used.

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.): Fee based on contract basis per school term, no long term contract.

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102: I have read and am familiar with and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102.

- (9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided: Not applicable, Troy University Montgomery does not have any EPA assistance agreements.

✓
5/1/15
Approved

Disapproved



Michael Flynn, Director ORIA

5/1/15
Date

September 8, 2015

MEMORANDUM

SUBJECT: Request for Outside Employment Approval (b) (6)

FROM: (b) (6) Public Affairs Specialist

THRU: Jonathan Edwards, Director
Radiation Protection Division

and

Kia Logan, Director
Program Management Office (PMO-6601T)

TO: Michael Flynn, Director
Office of Radiation and Indoor Air (ORIA-6601T)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade:

(b) (6)
Public Affairs Specialist
GS-14

(2) Nature of the activity and the amount of compensation expected:

Serve as a consultant for NCRP SC 3-1 Report: Guidance For Emergency Responder Dosimetry. No compensation expected.

(3) The name & business of the person/organization for which the work will be done:

The National Council on Radiation Protection and Measurement

(4) The estimated time to be devoted to the activity:

Approximately a month of time over the course of a year

(5) Whether the service will be performed entirely outside of normal duty hours:

The service will be outside of duty hours with the exception of two in-person meetings, which will be an excellent learning and networking opportunity directly related to the work that is done at the Radiation Protection Division.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

No official duty time or Government property, resources, or facilities not available to the general public will be used during this activity.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

No compensation expected

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102:

I, (b) (6) have read, and am familiar with, and will abide by the restriction described in 5 CFR part 2635 and 5 CFR 6401.102.

(9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided:

To the best of my knowledge, in previous years EPA has provided monetary support for NCRP's million worker study and for revisions to various NCRP reports.

X
Approved
Disapproved

Michael Flynn
Michael Flynn, Director ORIA 9/14/15
Date

Date: August 17, 2015

MEMORANDUM

SUBJECT: Request for Outside Employment Approval

FROM: (b) (6) Statistician

THRU: Jon Edwards, Director
Radiation Protection Division

and

Kia Logan, Director
Program Management Office (PMO-6601T)

TO: Michael Flynn, Director
Office of Radiation and Indoor Air (ORIA-6601T)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

- (1) Employee: (b) (6) Statistician (GS-15)
- (2) Nature of the activity: To write a chapter for a book aimed at senior health physics personnel. The book might serve as a textbook for an advanced course in health physics or as a reference book for health physics professionals. The chapter, entitled "Cancer Risk Coefficients," would provide details on the development of EPA risk coefficients for environmental exposure to radionuclides.
- (3) Amount of compensation expected: None
- (4) For whom (person/business) will the work be done: Funds for the book come from the Nuclear Regulatory Commission (NRC) through a contract (b) (6) with the Department of Energy's (DOE) Oak Ridge National Laboratory. The purpose of this NRC-funded project is to provide educational support on advanced radiation topics to senior health physicists and other scientists. The person coordinating efforts to write the book is (b) (6) Professor of Nuclear and Radiological Engineering, Georgia Tech. (b) (6) recently accepted a

Date: April 6, 2016

MEMORANDUM

SUBJECT: Request for Outside Employment Approval

FROM: (b) (6) – Coordinator, Cookstoves and Clean Indoor Air

THRU: David Rowson

and

Kia Logan, Director
Program Management Office (PMO-6601T)

TO: Michael Flynn, Director
Office of Radiation and Indoor Air (ORIA-6601T)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

- (1) Employee's name, title and grade:
(b) (6) – Coordinator, Cookstoves and Clean Indoor Air – Grade 14
- (2) Nature of the activity and the amount of compensation expected:
On Board of Directors of the Melvin Hazen Community Garden Association.

This Community Garden, located in the Cleveland Park neighborhood of the District of Columbia, is part of our National Park system and open to everyone.

During WW II, food rationing and transportation shortages placed severe pressure on the domestic food supply. The government asked people to grow their own food in whatever land was available so that commercial grown food could be saved for the soldiers fighting the war. Americans responded by planting in backyards, rooftops, empty lots, and National Park Service land. These food gardens became known as Victory Gardens to acknowledge that people on the home front were supporting troops in their effort to win the war. In Washington D.C., the National Park Service designated space near the Melvin Hazen tributary as land available for Victory Gardens. Gardeners have been cultivating this land ever since WWII.

Today, Melvin Hazen Community Garden consists of more than 100 plots. Each plot is tended by a gardener. The garden is organic, free of herbicides and pesticides, and remains primarily for the cultivation of fruits, vegetables and herbs.

Plots in the Melvin Hazen Community Garden are available to anyone for a modest annual fee. The membership is governed by the non-profit Melvin Hazen Community Garden Association which provides tools and water for the use of the gardens.

The volunteer Board of Directors directs all activities of the Garden, and there is no compensation.

- (3) The name & business of the person/organization for which the work will be done:
Melvin Hazen Community Garden Association
- (4) The estimated time to be devoted to the activity:
Approximately 40 hours a year (quarterly Board Meetings, a Spring and Fall Garden Meeting, other emails, phone, and in-person communication as needed).
- (5) Whether the service will be performed entirely outside of normal duty hours:
All scheduled activities take place entirely outside of normal duty hours.
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:
No official duty time or Government property, resources, or facilities not available to the general public will be used in for garden purposes.
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.):
There is no compensation for this position.
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102:
The employee has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102:
- (9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided: **None**

Approved

Disapproved

Michael Flynn, Director ORIA

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL CENTER FOR RADIATION FIELD OPERATIONS
4220 SOUTH MARYLAND PARKWAY, BLDG C
LAS VEGAS, NV 89119-7533

OFFICE OF
AIR AND RADIATION

MEMORANDUM

DATE: December 28, 2016

SUBJECT: Request for Approval for Outside Employment

FROM: (b) (6) Supervisory Physical Scientist, (b) (6)
Director, National Center for Radiation Field Operations

THRU: Kia Logan, Director *KML*
Program Management Office (PM0-6601T)

TO: Jonathan Edwards, Acting Director
Office of Radiation and Indoor Air (ORIA-660IT)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade:

(b) (6) Ph.D.
Supervisory Physical Scientist, GS-15 Step 6

(2) Nature of the activity and the amount of compensation expected:

Serve on advisory board for Nuclear Engineering Technology academic program.
Compensation: \$0, Volunteer.

(3) The names & businesses of the persons/organizations for which the work will be done:

Three Rivers Community College (TRCC)
574 New London Turnpike
Norwich, CT 06360

(4) The estimated time to be devoted to the activity:

Less than 1 day per month.

(5) Whether the service will be performed entirely outside of normal duty hours:

The services for TRCC will occur entirely outside normal duty hours during evening hours, on weekends, holidays, and/or annual leave.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used for any portion of the delivery of the services I will provide to TRCC.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

Volunteer services provided to advise academic program.

(8) The employee's statement that he or she has read, is familiar with, and will by the restrictions described in 5 CFR Part 2635 and 5 CFR Part 6401.102:

I have read 5 CFF Part 2635 and 5 CRF Part 6401.102, in their entirety, I understand the restrictions described within, and I certify that I will abide with same.

(9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided:

I am not aware of any EPA assistance agreements for contracts held by TRCC, nor do I believe any exist.

Approved

Disapproved


Jonathan Edwards
Director, ORIA

Date

1/6/17



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL CENTER FOR RADIATION FIELD OPERATIONS
4220 SOUTH MARYLAND PARKWAY, BLDG C
LAS VEGAS, NV 89119-7533

OFFICE OF
AIR AND RADIATION

MEMORANDUM

DATE: February 14, 2017

SUBJECT: Request for Approval for Outside Employment

FROM: (b) (6) Supervisory Physical Scientist, (b) (6)
Director, National Center for Radiation Field Operations

THRU: Kia Logan, Director *KML*
Program Management Office (PM0-6601T)

TO: Jonathan Edwards, Acting Director
Office of Radiation and Indoor Air (ORIA-660IT)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade:

(b) (6) Ph.D.
Supervisory Physical Scientist, GS-15 Step 6

(2) Nature of the activity and the amount of compensation expected:

Provide radiation safety consulting services, serve as the Radiation Safety Officer and authorized user of radioactive material. Compensation: \$0 – volunteering professional services as Radiation Safety Officer.

(3) The names & businesses of the persons/organizations for which the work will be done:

Valley Safety Services Associates, Inc. (VSSA)
330 Old Enfield Rd.
Belchertown, MA 01007

(4) The estimated time to be devoted to the activity:

One (1) to four (4) days per month.

(5) Whether the service will be performed entirely outside of normal duty hours:

The services for VSSA TRCC will occur entirely outside normal duty hours during evening hours, on weekends, holidays, and/or annual leave.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used for any portion of the delivery of the services I will provide to VSSA.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

Fee and per diem disbursed as services are provided.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and 5 CFR Part 6401.102:

I have read 5 CFR Part 2635 and 5 CFR Part 6401.102, in their entirety, I understand the restrictions described within, and I certify that I will abide with same.

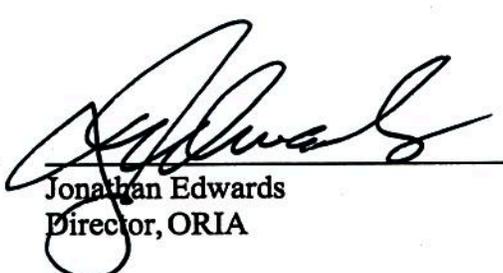
(9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided:

Valley Safety Services Associates does not have any EPA assistance agreements for contracts.

✓

Approved

Disapproved



Jonathan Edwards
Director, ORIA

2/23/17

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL CENTER FOR RADIATION FIELD OPERATIONS
4220 SOUTH MARYLAND PARKWAY, BLDG C
LAS VEGAS, NV 89119-7533

OFFICE OF
AIR AND RADIATION

MEMORANDUM

DATE: January 25, 2018

SUBJECT: Request for Approval for Outside Employment (b) (6)

FROM: (b) (6) Supervisory Physical Scientist, (b) (6)
Director, National Center for Radiation Field Operations

THRU: Pamela Bullard, Director (Signature)
Program Management Office (PM0-6601T)

TO: Jonathan Edwards, Director
Office of Radiation and Indoor Air (ORIA-6601T)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

1) Employee's name, title and grade:

(b) (6)
Supervisory Physical Scientist, GS-15 Step 6

2) Nature of the activity and the amount of compensation expected:

Consulting services and an authorized user of radioactive material under the Commonwealth of Massachusetts material license. Compensation: ~ (b) (6)

3) The names & businesses of the persons/organizations for which the work will be done:

Valley Safety Services Associates, Inc. (VSSA)
330 Old Enfield Rd.
Belchertown, MA 01007

4) The estimated time to be devoted to the activity:

One to 4 days per month.

5) Whether the service will be performed entirely outside of normal duty hours:

The services for VSSA will occur entirely outside normal duty hours during evening hours, on weekends, holidays, and/or annual leave.

- 6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used for any portion of the delivery of the services I will provide to VSSA.

- 7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

Fee and per diem disbursed as services are provided.

- 8) The employee's statement that he or she has read, is familiar with, and will by the restrictions described in 5 CFR Part 2635 and 5 CFR Part 6401.102:

- 9) I have read 5 CFF Part 2635 and 5 CRF Part 6401.102, in their entirety, I understand the restrictions described within, and I certify that I will abide with same.

- 10) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided:

Valley Safety Services Associates does not have any EPA assistance agreements for contracts.

✓
Approved _____ Disapproved _____ Jonathan Edwards 3/30/18
Director, ORIA Date

* PER CONVERSATION WITH JUSTINA FUGH (OGC) :

EMPLOYEE CANNOT

1. SIGN ANY PAPERWORK TO BE SUBMITTED TO NRC OR OTHER FEDERAL ENTITY ON BEHALF OF THIS COMPANY.

2. CANNOT REPRESENT THIS COMPANY BACK TO FEDS DURING AUDITS OR INSPECTIONS.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL CENTER FOR RADIATION FIELD OPERATIONS
4220 SOUTH MARYLAND PARKWAY, BLDG C
LAS VEGAS, NV 89119-7533

OFFICE OF
AIR AND RADIATION

MEMORANDUM

DATE: September 12, 2018

SUBJECT: Request for Approval for Outside Employment

FROM: (b) (6) Supervisory Physical Scientist, (b) (6)
Director, National Center for Radiation Field Operations

THRU: Pamela Bullard, Director *AB*
Program Management Office (PM0-6601T)

TO: Jonathan Edwards, ~~Acting~~ Director
Office of Radiation and Indoor Air (ORIA-6601T)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

1) Employee's name, title and grade:

(b) (6)
Supervisory Physical Scientist, GS-15 Step 7

2) Nature of the activity and the amount of compensation expected:

Serve on University of Nevada, Las Vegas's Health Physics Steering Committee for the health physics academic programs. Compensation: \$0, Volunteer.

3) The names & businesses of the persons/organizations for which the work will be done:

University of Nevada, Las Vegas
4505 S. Maryland Parkway
Las Vegas, NV 89154

4) The estimated time to be devoted to the activity:

Less than 1 day per month.

5) Whether the service will be performed entirely outside of normal duty hours:

The services will occur outside normal duty hours during evening hours, on weekends, holidays,

and/or annual leave.

- 6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used for any portion of the delivery of the services I will provide to UNLV.

- 7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

Volunteer services provided to advise academic programs.

- 8) The employee's statement that he or she has read, is familiar with, and will by the restrictions described in 5 CFR Part 2635 and 5 CFR Part 6401.102:

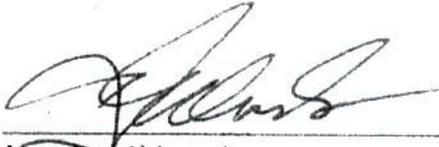
I have read 5 ~~CFR~~^{CFR} Part 2635 and 5 CFR Part 6401.102, in their entirety, I understand the restrictions described within, and I certify that I will abide with same.

- 9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided:

I am not aware of any EPA assistance agreements for contracts held by UNLV.

Approved

Disapproved


Jonathan Edwards
Director, ORIA

9/20/18
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL CENTER FOR RADIATION FIELD OPERATIONS
4220 SOUTH MARYLAND PARKWAY, BLDG C
LAS VEGAS, NV 89119-7533

OFFICE OF
AIR AND RADIATION

MEMORANDUM

DATE: January 25, 2018

SUBJECT: Request for Approval for Outside Employment

FROM: (b) (6) Supervisory Physical Scientist, (b) (6)
Director, National Center for Radiation Field Operations

THRU: Pamela Bullard, Director
Program Management Office (PM0-6601T)

TO: Jonathan Edwards, Director
Office of Radiation and Indoor Air (ORIA-660IT)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

1) Employee's name, title and grade:

(b) (6)
Supervisory Physical Scientist, GS-15 Step 6

2) Nature of the activity and the amount of compensation expected:

Serve on advisory board for Nuclear Engineering Technology academic program. Compensation: \$0, Volunteer.

3) The names & businesses of the persons/organizations for which the work will be done:

Three Rivers Community College (TRCC)
574 New London Turnpike
Norwich, CT 06360

4) The estimated time to be devoted to the activity:

Less than 1 day per month.

5) Whether the service will be performed entirely outside of normal duty hours:

The services for TRCC will occur entirely outside normal duty hours during evening hours, on weekends, holidays, and/or annual leave.

6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used for any portion of the delivery of the services I will provide to TRCC.

7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

Volunteer services provided to advise academic program.

8) The employee's statement that he or she has read, is familiar with, and will by the restrictions described in 5 CFR Part 2635 and 5 CFR Part 6401.102:

9) I have read 5 CFF Part 2635 and 5 CRF Part 6401.102, in their entirety, I understand the restrictions described within, and I certify that I will abide with same.

10) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided:

I am not aware of any EPA assistance agreements for contracts held by TRCC, nor do I believe any exist.

Approved Disapproved Jonathan Edwards 2/21/18
Director, ORIA Date

January 30, 2017

MEMORANDUM

SUBJECT: Request for Outside Employment Approval

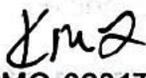
FROM: (b) (6) Public Affairs Specialist

THRU: Lee Veal, Acting Deputy Director
Radiation Protection Division



and

Kia Logan, Director
Program Management Office (PMO-6601T)



TO: Jonathan Edwards, Director
Office of Radiation and Indoor Air (ORIA-6601T)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade:

(b) (6)
Public Affairs Specialist
GS-14

(2) Nature of the activity and the amount of compensation expected:

Serve as a consultant for NCRP SC 3-1 Report: Guidance For Emergency Responder Dosimetry. No compensation expected.

Serve on NCRP Program Area Committee 7 (Radiation Education, Risk Communication, Outreach, and Policy)

(3) The name & business of the person/organization for which the work will be done:

The National Council on Radiation Protection and Measurement

(4) The estimated time to be devoted to the activity:

Approximately a month of time over the course of a year.

(5) Whether the service will be performed entirely outside of normal duty hours:

The service will be outside of duty hours with the exception of three in-person meetings, which will be an excellent learning and networking opportunity directly related to the work that is done at the Radiation Protection Division.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

No official duty time or Government property, resources, or facilities not available to the general public will be used during this activity.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

No compensation expected

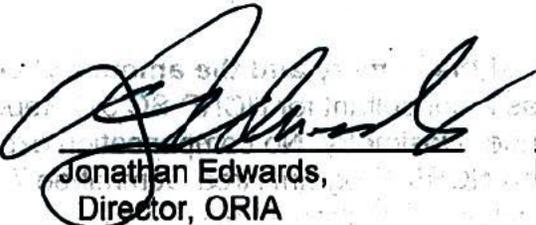
(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102:

I, (b) (6) have read, and am familiar with, and will abide by the restriction described in 5 CFR part 2635 and 5 CFR 6401.102.

(9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided:

To the best of my knowledge, in previous years EPA has provided monetary support for NCRP's million worker study and for revisions to various NCRP reports.

Approved Disapproved


Jonathan Edwards,
Director, ORIA

2/17/17
Date

February 19, 2018

MEMORANDUM

SUBJECT: Request for Outside Employment Approval

FROM: (b) (6) Director
Center for Radiation Information and Outreach

THRU: Lee Veal, Director *for Lee Veal 2/21/19*
Radiation Protection Division

and

Pamela Bullard, Director
Program Management Office (PMO-6601T)

TO: Jonathan Edwards, Director
Office of Radiation and Indoor Air (ORIA-6601T)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade:

(b) (6)

Director, Center for Radiation Information and Outreach
GS-15

(2) Nature of the activity and the amount of compensation expected:

- a) Serve on the Board of Directors of the National Council on Radiation Protection and Measurement. As indicated on Article V of the NCRP bylaws "The Board of Directors shall have and exercise the paramount authority with respect to the funds, activities, policies and purposes of the corporation."

I will recuse myself of any decisions regarding federal funding, including the EPA. This is in accordance with Article IX of the NCRP bylaws on Conflict of Interest, which reads "No member, officer or director of the corporation who is an officer or employee of the United States shall act as attorney or agent for the corporation in securing any contract or grant from any agency of the United States. If the agency involved is one in which such member, officer or director is an official or employee, such person shall not participate in discussions of,

corporate action on, or corporate administration of, any such contract or grant;"

No compensation is expected. No federal funds will be used to reimburse NCRP activities.

- b) Serve as a NCRP Council member and on NCRP Program Area Committee 7 (Radiation Education, Risk Communication, Outreach, and Policy). This includes reviewing NCRP reports and creating outreach materials. No compensation is expected.

(3) The name & business of the person/organization for which the work will be done:

The National Council on Radiation Protection and Measurement

(4) The estimated time to be devoted to the activity:

Approximately a month of time over the course of a year.

(5) Whether the service will be performed entirely outside of normal duty hours:

The board meets a minimum of three times a year. Annual leave will be taken if these meetings take place during normal duty hours.

NCRP Council member work and Program Area Committee work will take place outside of normal duty hours except for quarterly program area committee calls and the annual NCRP meeting, which also serve as learning and networking opportunity directly related to the work that is done at the Radiation Protection Division.

Being an active participant in NCRP work aligns with ORIA Strategic Plan Goal 6: Setting a Gold Standard, which reads "Provide opportunities for staff experts to support the radiological protection community globally by holding key leadership roles in the work of the National Council on Radiation Protection and Measurements, the International Commission on Radiological Protection, and the Organization for Economic Co-operation and Development's Nuclear Energy Agency."

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

No official duty time or Government property, resources, or facilities not available to the general public will be used during activities unless there is a direct relationship to my work at EPA.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

No compensation expected.

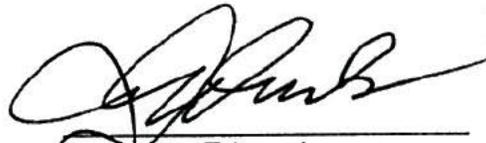
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102:

I, (b) (6) have read, and am familiar with, and will abide by the restriction described in 5 CFR part 2635 and 5 CFR 6401.102.

- (9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided:

To the best of my knowledge, in previous years EPA has provided monetary support for NCRP's million worker study and for revisions to various NCRP reports.

✓
Approved Disapproved


Jonathan Edwards,
Director, ORIA

2/28/19
Date

Request from (b) (6) regarding outside activity:

I am a program office attorney-advisory (in the Office of Air and Radiation/Office of Transportation and Air Quality – Chris Grundler is the Office Director/Deputy Ethics Official). I am seeking to declare my interest and to run for a District of Columbia (city) government position. The position is as an “Advisory Neighborhood Commissioner” in the Advisory Neighborhood Commission (ANC) that includes my specific neighborhood position. To the extent someone else declares an interest and runs for the position there will be a public election within the ANC.

Here is a description of the ANC within Washington, DC - <http://anc.dc.gov/page/about-anc>

- name, title and grade: (b) (6) Attorney-Advisor, GS-14
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected; A full description of the Advisory Neighborhood Commission (ANC) and the position of an ANC Commissioner (the non-partisan position which I am seeking) can be found at: <http://anc.dc.gov/page/about-anc>

No compensation is expected from this non-partisan position.

Here is a general description:

The Advisory Neighborhood Commissions consider a wide range of policies and programs affecting their neighborhoods, including traffic, parking, recreation, street improvements, liquor licenses, zoning, economic development, police protection, sanitation and trash collection, and the District's annual budget

In each of these areas, the intent of the ANC legislation is to ensure input from an advisory board that is made up of the residents of the neighborhoods that are directly affected by government action. The ANCs are the body of government with the closest official ties to the people in a neighborhood.

The ANCs present their positions and recommendations on issues to various District government agencies, the Executive Branch, and the Council. They also present testimony to independent agencies, boards, and commissions, usually under the rules of procedure specific to those entities. By law, the ANCs may also present their positions to Federal agencies.

- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months); The District of Columbia ANC 3F, the type of services are noted above.
- the estimated time to be devoted to the activity; 5 hours per week

- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required); **The service will be performed entirely outside of normal duty hours. Work will be primarily conducted on the weekends and occasionally weekday evenings, including monthly ANC meetings occurring on a weeknight**
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment; **No official duty time or Government property, resources, or facilities (not available to the general public) will be used in connection with the ANC position**
- the basis for compensation (e.g., fee, per diem, per annum, etc.) **There is no compensation associated with the ANC position**
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on “Outside Activities) and Section 6401.103 (EPA’s Supplemental Regulations); and I **(b) (6)** have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on “Outside Activities) and Section 6401.103 (EPA’s Supplemental Regulations)
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. **I am not aware of any EPA assistance agreements or contracts.**

Analysis of the Request:

Per §6401.103(c) “Standard for Approval”, I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. **(b) (6)** seeks to run and (if elected) accept the position of “Advisory Neighborhood Commissioner” in the specific neighborhood in which he resides in the District of Columbia.

An inquiry to the EPA Ethics Official, Ms. Justina Fugh, prompted an email reply from her on February 18, 2016 thoroughly described the restrictions, concerns, and general guidance that applies to this activity; they are copied below for the record:

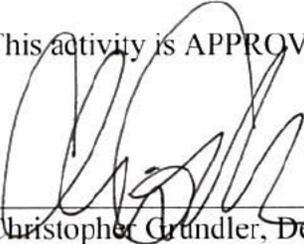
COUNSELING

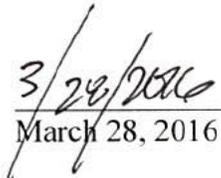
- While running, do not seek any campaign contributions from subordinates or from anyone whom you know is directly regulated by EPA or does business with EPA, or whose interests can be substantially affected by the performance or non-performance of your EPA duties.
- If elected, you will be serving in your personal capacity only. Do not use your EPA email address or business address in connection with this activity. While campaigning, your bio may include the fact that you work at EPA, but only if there are other significant biographical details included and EPA does not have any undue prominence. Do not use your EPA position or title to bolster your campaign.

- If elected, remember that you will have a fiduciary responsibility to the DC government, so will need to recuse from engaging in official EPA duties in any way that will have a direct and predictable financial effect upon the interests of the non-federal entity, either as a specific party or as a member of a class. 5 CFR Part 2635, Subpart D.
- If elected, remember that you will still be subject to the representational conflict of interest statutes. Under 18 USC § 205, you cannot serve as agent or attorney on behalf of another entity back to the federal government. This restriction applies even if the representation is unpaid and the representation occurs on personal time. A different criminal conflict of interest law, 18 USC § 203, prevents you from serving as agent or attorney for another back to the federal government for compensation, even in your own time. As a federal employee, you cannot represent the DC government as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest. So if there is a meeting and a federal official is present in official capacity, you cannot participate in that meeting on behalf of the DC body that elected you.
- If elected, refrain from using EPA resources (equipment, facilities, vehicles, etc.) for this outside activity. You must adhere to the Agency's Limited Personal Use of Equipment policy, found at <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>.
- You will also have a one year covered relationship under the impartiality standards when you leave the outside position. For one year (unless you get an impartiality determination from your DEO), you won't be able to work on specific party matters that involve this entity.

Since much of the Ethics advice was provided to (b) (6) in advance, and since his responses are clear that he knows and will abide by the guidance provided by Ms. Fugh, I find no additional ethics concerns are present.

This activity is APPROVED.


Christopher Grundler, Deputy Ethics Official


3/28/2016
March 28, 2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 11 2015

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Approval of Outside Employment

FROM: Elizabeth A. Shaw
Deputy Ethics Official

TO:

(b) (6)

This is in response to your request of September 9, 2015, for approval of your outside position as adjunct faculty with Northern Virginia Community College. Under Federal ethics regulations at 5 C.F.R. 2635.803 and EPA supplemental regulations at 5 C.F.R. 6401.103, I approve your outside employment.

My approval of your outside employment does not extend to any work related to EPA assistance agreements (such as grants), whether or not they are submitted to the Agency for consideration. In order to avoid the appearance of a conflict of interest, you may not participate in any activity related to EPA assistance agreements or occupy an outside position where the duties require such participation. 5 C.F.R. 2635.801(c).

This decision is valid for five years. If the nature and/or responsibilities of your outside position change, you must notify your Deputy Ethics Official. If you continue this position after five years, you must also request your Deputy Ethics Official's approval anew. As a reminder, you must abide by the restrictions described in 5 C.F.R. 2635, Subpart H.

cc: Tamara Saltman
Jim Democker

Monroe, Scott

From: (b) (6)
Sent: Wednesday, September 09, 2015 11:48 AM
To: Monroe, Scott
Subject: RE: (b) (6) Outside Employment Request.docx

MEMORANDUM

SUBJECT: Request for Approval to Engage in Outside Employment
FROM: (b) (6)
TO: Elizabeth A. Shaw
Deputy Ethics Official

As required by EPA supplemental ethics regulations at 5 CFR 6401.103, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the information below.

Brief description of current EPA duties: I am currently serving in the role of Environmental Justice Coordinator as an environmental protection specialist.

Nature of the outside activity: I have been and continue to be employed by the State of Virginia through Northern Virginia Community College as an adjunct faculty member in the Mathematics, Science and Engineering Division. I currently teach BIO 101 and BIO 102 classes.

Name of business or profession: Northern Virginia Community College

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): (b) (6)

Estimated time devoted to this activity: 8 hours/week

Indicate whether the activity will be performed entirely outside of normal duty hours: This activity will mainly be performed outside of normal duty hours with minimal disturbance to my work duties. There may be absences which equate to two duty days but no more.

I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

Thank you for your consideration of this request.

Monroe, Scott

From: Shaw, Betsy
Sent: Tuesday, May 27, 2014 6:36 PM
To: (b) (6)
Subject: RE: Request for Approval of Outside Employment

MEMORANDUM

SUBJECT: Approval of Outside Employment

FROM: Elizabeth A. Shaw
Deputy Ethics Official

TO: (b) (6)

This is in response to your request for approval of your outside position as a Thought Leader for the website WIN Insight. Under Federal ethics regulations at 5 C.F.R. 2635.803 and EPA supplemental regulations at 5 C.F.R. 6401.103, I approve your outside employment.

This decision is valid for five years. If the nature and/or responsibilities of your outside position change, you must notify your Deputy Ethics Official. If you continue this position after five years, you must also request your Deputy Ethics Official's approval anew. As a reminder, you must abide by the restrictions described in 5 C.F.R. 2635, Subpart H.

From: (b) (6)
Sent: Monday, May 19, 2014 4:32 PM
To: Shaw, Betsy
Subject: Request for Approval of Outside Employment

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: (b) (6)

TO: Elizabeth A. Shaw
Deputy Ethics Official

I am writing to request your approval to participate in outside employment. I am a Supervisory Management Analyst, GS-0343-15.

A business venture called WIN Insights has invited me to contribute to its website as a "Thought Leader." This activity will not be compensated and will last for approximately 6 months. As a Thought Leader I will contribute to online discussion strings and responses to blogs, although I do not expect to write blogs myself. I would be one of a number of people helping WIN Insights test the efficacy of their website as an online clearinghouse and discussion center on topics related to diversity and inclusion. The website may be viewed at winsights.com.

My activity with WIN Insights would be conducted entirely outside of duty hours. I will not use official time or property in connection with this outside employment. I have read and am familiar with the restrictions described in 5 CFR part 2635 and section 6401.102.

Because of the subject matter involved, and because I may want to make general references to my experience in the federal government, I do not plan to identify EPA as my employer in my biographical sketch. Rather, I prefer to identify myself as “an HR Director for a federal office.”

Thank you for your consideration of this request. I’ve taken the liberty of drafting your response (attached).

Monroe, Scott

From: Shaw, Betsy
Sent: Friday, January 08, 2016 3:52 PM
To: (b) (6)
Cc: Saltman, Tamara; Monroe, Scott
Subject: Approval of Outside Employment Request
Attachments: Outside Employment Request for (b) (6)

MEMORANDUM

SUBJECT: Approval of Outside Employment

FROM: Elizabeth A. Shaw/s/
Deputy Ethics Official

TO: (b) (6)

This is in response to your request for approval of your outside position as an officer and broker for Farrar, Inc., a real estate firm. Under Federal ethics regulations at 5 C.F.R. 2635.803 and EPA supplemental regulations at 5 C.F.R. 6401.103, I approve your outside employment.

This decision is valid for five years. You must notify your Deputy Ethics Official if the status or circumstances of your employment, such as compensation, change. If you continue this position after five years, you must also request your Deputy Ethics Official's approval anew. As a reminder, you must abide by the restrictions described in 5 C.F.R. 2635, Subpart H.

JAN 07 2015

MEMORANDUM

SUBJECT: Request for Approval to Engage in Outside Employment

FROM: (b) (6)

TO: Elizabeth A. Shaw
Deputy Ethics Official

As required by EPA supplemental ethics regulations at 5 CFR 6401.103, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the information below.

Brief description of current EPA duties: Regulatory Impact Analyst for the Office of Air and Radiation. Serves as OAR Regulatory Steering Committee Representative and manages various aspects of the rule development process for the office.

Nature of the outside activity: Serve as an officer and licensed real estate broker.

Name of business or profession: Farrar, Inc.

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): I do not expect to receive compensation for my duties now or in the near future. The basis for compensation will be per annum or as determined by the board of directors.

Estimated time devoted to this activity: The estimated time devoted will be from 1 to 10 hours per week.

Indicate whether the activity will be performed entirely outside of normal duty hours: Activities will be performed entirely outside of my normal duty hours.

I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

Thank you for your consideration of this request.

Monroe, Scott

From: (b) (6)
Sent: Friday, January 08, 2016 7:13 AM
To: Monroe, Scott
Subject: RE: Outside Employment Request for Wanda Farrar- 2016.docx

Thanks, Scott. Yes, the board could decide to compensate me. I have noted the procedure for changes and expiration. Would you like for me to send it to Betsy directly and cc: you per your original request?

From the desk of:

(b) (6)

From: Monroe, Scott
Sent: Thursday, January 07, 2016 5:29 PM
To: (b) (6)
Subject: RE: Outside Employment Request for (b) (6)

Thanks, (b) (6) and for the email exchange, also. You don't need to print and sign, I can use the emailed version you sent. One question: Is it correct that the board could at some point decide to compensate you? If they did, it would be a change and you would have to notify Betsy accordingly. Approval is for 5 years if no change in status occurs; if in 5 years you are still active with it then you will need to put forward a similar notice for the DEO.

Scott

From: (b) (6)
Sent: Thursday, January 07, 2016 10:13 AM
To: Monroe, Scott <Monroe.Scott@epa.gov>
Subject: Outside Employment Request for (b) (6)

Good Day Scott,

Please take a look at this and let me know if it reads okay. Also, would you like for me to print and sign the document before sending to Betsy?

Many thanks,

(b) (6)

Monroe, Scott

From: (b) (6)
Sent: Thursday, January 07, 2016 9:51 AM
To: Monroe, Scott
Cc: Shaw, Betsy
Subject: FW: Request for Approval

Hi Scott,

For your records, here is the email exchange from last year. I will use template to submit, as requested.

Thanks,

(b) (6)

From the desk of:

(b) (6)

From: (b) (6)
Sent: Tuesday, November 04, 2014 3:07 PM
To: Shaw, Betsy <Shaw.Betsy@epa.gov>
Subject: RE: Request for Approval

Thank you for making sure we are in compliance. ☺

From the desk of:

(b) (6)

From: Shaw, Betsy
Sent: Tuesday, November 04, 2014 3:04 PM
To: (b) (6)
Subject: RE: Request for Approval

Thanks so much (b) (6) I'll work with Scott on a response for the record.

Thanks again,

Betsy

From: (b) (6)
Sent: Tuesday, November 04, 2014 3:00 PM
To: Shaw, Betsy
Subject: Request for Approval

Good Day Betsy,

Per our discussion 10/28/14 and my follow up with Scott Monroe, there is no documentation re: previous disclosure of outside positions/employment. The disclosures were made I believe prior to both of your tenures. Therefore, following you will find a request for approval:

I, (b) (6) (Management Analyst, GS-15), currently serves as an officer and licensed broker for the Farrar, Inc. real estate corporation. I do not expect to receive compensation for my duties now or in the near future. The estimated time devoted will be from 1 – 10 hours per week performed entirely outside of normal business hours and no government property, resources or facilities not available to the general public will be used in connection with these activities. The basis for compensation will be per annum or as determined by the board of directors. I will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

Thanks for your attention to this matter.

Best regards,

(b) (6)

From the desk of:

(b) (6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

February 3, 2014

OFFICE OF
AIR AND RADIATION

MEMORANDUM

Subject: Request Permission to Teach a Course entitled "Economics of Environmental Regulation" at the University of Michigan

From: (b) (6)

To: Chris Grundler, Deputy Ethics Official, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Economics of Environmental Regulation" at the University of Michigan this spring. The course will meet from March through April 2014. The total compensation for the course is (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the University of Michigan.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at the University of Michigan.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See [5 CFR 2635.807](#). To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

(A) The activity is undertaken as part of the employee's official duties; No

B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of her official position rather than her expertise on the particular subject matter; No

(C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused herself from any future, potential activity (grants, contracts, etc.) involving the University of Michigan.

(D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in [§2635.703\(b\)](#) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

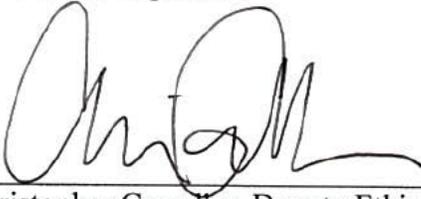
(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of the Economics of Environmental Regulation.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter

involving specific parties. However, I note that the ethics regulations also state: Section [2635.807\(a\)\(2\)\(i\)\(E\)](#) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



Christopher Grundler, Deputy Ethics Official, OTAQ

February 3, 2014

September 1, 2016

MEMORANDUM

Subject: Request Permission to Teach a Course entitled "Economics of Environmental Regulation" at the University of Michigan

From: (b) (6)

To: Chris Grundler, Deputy Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Economics of Environmental Regulation" at the University of Michigan this fall. The course will meet from late October through December 2016. The total compensation for the course is (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment is that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the University of Michigan.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for it. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at the University of Michigan.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

(A) The activity is undertaken as part of the employee's official duties; No

B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of her official position rather than her expertise on the particular subject matter; No

(C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused herself from any future, potential activity (grants, contracts, etc.) involving the University of Michigan.

(D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of the Economics of Environmental Regulation.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter

involving specific parties. However, I note that the ethics regulations also state: Section [2635.807\(a\)\(2\)\(i\)\(E\)](#) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



Tracey Bradish, Deputy Ethics Official, OTAQ

2 September 2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF AIR AND RADIATION

February 10, 2017

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity
FROM: (b) (6)
TO: Reid Harvey, Acting Director
Office of Atmospheric Programs (6201-J)
THRU: Richard Haeuber, Acting Division Director

This memorandum is to request your approval of outside activity (cf., 5CFR, Subpart H, Section 2635.803, Standards of Ethical Conduct for Employees of the Executive Branch). The following sections of this memorandum provide you with the information that you will need to make a determination.

- *Full name, title and grade.* (b) (6) Branch Chief GS-15
- *Nature of outside employment, including a full description of the services to be performed and the amount (if any) of compensation expected:*
I will serve as a visiting scholar/fellow at Resources for the Future (RFF). The purpose of this activity is to conduct scholarly research and writing about China's economy, development, environment, and environmental governance. The activity will include conducting research about China through literature reviews, surveys, interviews, etc.; writing reports, articles, blog posts, infographics, etc. about my research findings; and presenting the research findings at meetings, workshops, conferences, etc.

This is an unpaid fellowship with RFF (no salary is provided by RFF). RFF is a 501(c)(3) organization based in Washington, DC. It is an "independent, nonpartisan organization that conducts rigorous economic research and analysis to help leaders make better decisions and craft smarter policies about natural resources and the environment." RFF receives funding from a variety of foundations, individuals, corporations (see attachment from RFF's 2015 Annual Report.)

- *Name and business of person or organization where work will be done. In cases of self-employment, indicate the type of service to be rendered and estimate the number of clients or customers anticipated during the next 6 months:*
In the role of visiting scholar/fellow, RFF has offered location and schedule flexibility. My

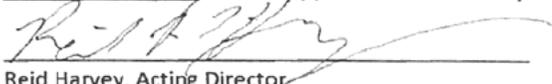
research and writing may be done at RFF's offices (1616 P Street, NW, Washington, DC), my residence (b) (6) and in the field (e.g., offices, industrial facilities, universities, etc. in China).

- *Estimated time to be devoted to activity:* Approximately 5-10 hours per week.
- *Whether service will be performed entirely outside of normal duty hours. If not, estimate number of hours absence from work required:*
The majority of research and writing activities will take place outside of normal duty hours (e.g., evenings, weekends, holidays). There may be a need to conduct research in the field in China. When such research is necessary, the activity may overlap with normal duty hours. I anticipate the activity may require approximately 80 hours/year of approved absence. No official duty time or Government property, resources, or facilities will be used in connection with this outside activity.
- *The basis for compensation (e.g., fee, per diem, per annum, etc.):*
The activity is not paid by RFF. I may choose to pursue grant funding at some point to finance the research and/or travel. As instructed in the approval memo from Jeanne M. Duross, Ethics Attorney/Office of General Counsel - Ethics, if I pursue research or travel funding from an outside organization, I will submit a separate request for approval of the outside activity.
- *Identify any EPA assistance agreements or contracts held by a person to whom (or for whom) services would be provided:*
I am not aware of any EPA assistance agreements or contracts currently held by RFF. However, my services at RFF are not compensated and are limited to research and writing about China's economy, development, environment, and environmental governance. The scope of the work does not include EPA programs or US environmental policy.

I have also read, and will abide by the restrictions described in 5CFR part 2635 and 6401.102.


_____ I approve of this activity

_____ I do not approve of this activity



Reid Harvey, Acting Director
Office of Atmospheric Programs



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF AIR AND RADIATION

March 2, 2015

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity
FROM: (b) (6)
TO: Sarah Dunham, Director
Office of Atmospheric Programs (6201-J)
THRU: Reid Harvey, Division Director

This memorandum is to request your approval of outside activity (cf., 5CFR, Subpart H, Section 2635.803, Standards of Ethical Conduct for Employees of the Executive Branch). The following sections of this memorandum provide you with the information that you will need to make a determination.

- Full name, title and grade: (b) (6) EPS GS-15
- Nature of outside employment, including a full description of the services to be performed and the amount (if any) of compensation expected: Serve as a dissertation advisor and committee member for a student at the Pardee RAND Graduate School. Services will include reviewing drafts of the dissertation proposal and dissertation, communicating with the student to provide advice and direction, discussing the student's research with other committee members, and participating in the oral defense of the dissertation. Compensation will include a small honorarium (b) (6) and may include reimbursement for travel costs to participate in the student's oral dissertation defense.
- Name and business of person or organization where work will be done. In cases of self-employment, indicate the type of service to be rendered and estimate the number of clients or customers anticipated during the next 6 months: Pardee RAND Graduate School, Santa Monica, California.
- Estimated time to be devoted to activity: <100 hours over the next 18 to 24 months.
- Whether service will be performed entirely outside of normal duty hours. If not, estimate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF AIR AND RADIATION

November 29, 2017

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: (b) (6)

TO: Sarah Dunham, Director
Office of Atmospheric Programs (6201-J)

THRU: Reid Harvey, Division Director RPH

This memorandum is to request your approval of outside activity (cf., 5CFR, Subpart H, Section 2635.803, Standards of Ethical Conduct for Employees of the Executive Branch). The following sections of this memorandum provide you with the information that you will need to make a determination.

- *Full name, title and grade:* (b) (6) Branch Chief GS-15
- *Nature of outside employment, including a full description of the services to be performed and the amount (if any) of compensation expected:*
I will conduct speaking activities at a series on "Energy and Environmental Research" at the University of Chicago. The course series will occur in January 2018. I will speak on the evolution of air pollution policies in China. The university will not provide any direct remuneration, but will provide in-kind roundtrip airfare from Washington, DC to Chicago, IL.

Estimated travel expenses:

Airfare (b) (6)

- *Name and business of person or organization where work will be done. In cases of self-employment, indicate the type of service to be rendered and estimate the number of clients or customers anticipated during the next 6 months:*
(b) (6) Energy Policy Institute at Chicago (EPIC), University of Chicago.
- *Estimated time to be devoted to activity:* Up to 2 days in January 2018.
- *Whether service will be performed entirely outside of normal duty hours. If not, estimate number of hours absence from work required:*
The speaking activity may require up to 9 hours of annual leave.

- *The basis for compensation (e.g., fee, per diem, per annum, etc.):*
The University of Chicago will provide in-kind airfare.
- *Identify any EPA assistance agreements or contracts held by a person to whom (or for whom) services would be provided:*
The University of Chicago is a public university. The funds for this project come from the Energy Policy Institute at Chicago (EPIC) general funds and are not from US or foreign government grants.

I have also read, and will abide by the restrictions described in 5CFR part 2635 and 6401.102. Based on the definitions and conditions in § 2635.807(a)(2), this teaching, speaking, or writing activity does not relate to my official duties nor does it relate to EPA's mission as determined by Justina Fugh on March 6, 2012.¹

 _____ I approve of this activity

_____ I do not approve of this activity



Sarah Dunham, Director
Office of Atmospheric Programs

¹ In the communication between Justina Fugh (OGC Senior Counsel for Ethics) and Ed Callahan, Fugh determined that "The subject matter of... air pollution control policies in Asia... is not directly related to the Agency's mission (since we deal primarily within the United States). Granted, EPA employees do work with China and other countries to provide technical advice, but that's not the same as saying that we directly regulate in China."



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF AIR AND RADIATION

November 29, 2017

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity
(b) (6)

FROM: [REDACTED]

TO: Sarah Dunham, Director
Office of Atmospheric Programs (6201-J)

THRU: Reid Harvey, Division Director RPH

This memorandum is to request your approval of outside activity (cf., 5CFR, Subpart H, Section 2635.803, Standards of Ethical Conduct for Employees of the Executive Branch). The following sections of this memorandum provide you with the information that you will need to make a determination.

As per an approved *Request for Approval of Outside Activity* dated February 10, 2017, I am serving as a Visiting Fellow at Resources for the Future (RFF). As part of the approval from Jeanne Duros, OGC Ethics Attorney, dated February 8, 2017, I am required to seek approval for each outside activity for which I accept outside funding:

[E]ach individual speaking, teaching or writing activity you engage in for which you propose to accept outside funding will require a separate outside activity approval because: (1) the specific topic may bring the activity within the compensation prohibition in [5CFR] 2635.807(a); and (2) the international nature of your work raises the potential for Emoluments Clause issues. As you may know, the Emoluments Clause of the Constitution prohibits federal employees from accepting gifts or compensation from instrumentalities of foreign governments, except pursuant to statutory approval.

- Full name, title and grade: (b) (6) Branch Chief GS-15
- Nature of outside employment, including a full description of the services to be performed and the amount (if any) of compensation expected:
In my role as a visiting fellow at RFF, I will participate in a group research and writing activity to explore the economic, social, and technical barriers to deploying and using innovative heating technologies (e.g., geothermal heat pumps) in Mongolia and Inner Mongolia, China. The project will include conducting field research (e.g., interviews, surveys); presenting research results to in-country stakeholders; and writing reports, discussion papers, and/or journal articles. The scope of the work does not include EPA programs or US environmental policy, and the subject matter does

not relate to my official duties as a Branch Chief for the Emission Monitoring Branch. The ADB will provide funding for the project and will reimburse the research group's out-of-pocket travel expenses (airfare, lodging, local transportation, and per diem) and may compensate members for time spent working on the project. Any compensation from the ADB will be based on a project-specific rate of (b) (6) per day for up to 110 days.

Estimated travel expenses:

Airfare	(b) (6)
Lodging	
Per diem	
Local transportation	

- *Name and business of person or organization where work will be done. In cases of self-employment, indicate the type of service to be rendered and estimate the number of clients or customers anticipated during the next 6 months:*
Meetings and research will be conducted in Ulaanbaatar, Mongolia; Hohhot, China; and/or Beijing, China. The analytical and writing activities will be done at RFF's offices at 1616 P Street, NW, Washington, DC.
- *Estimated time to be devoted to activity:* Up to 110 days between December 2017 and December 2019.
- *Whether service will be performed entirely outside of normal duty hours. If not, estimate number of hours absence from work required:*
The research will be performed during nonduty status (e.g., weekends, holidays) and/or up to 120 hours of annual leave in 2018 - 2019.
- *The basis for compensation (e.g., fee, per diem, per annum, etc.):*
The ADB will reimburse out-of-pocket travel costs and may provide compensation based on a daily remuneration rate and days worked on the project.
- *Identify any EPA assistance agreements or contracts held by a person to whom (or for whom) services would be provided:*
The ADB is a regional development bank. The funds for this project come from the ADB's general funds and are not from special US or foreign government funds.

I have also read, and will abide by the restrictions described in 5CFR part 2635 and 6401.102.

 _____ I approve of this activity

_____ I do not approve of this activity



Sarah Dunham, Director
Office of Atmospheric Programs

Supplemental information about the outside activity and ethics rules

- *Activity*

Research and writing about the innovative heating technologies to reduce air pollution challenges in *ger* areas in Mongolia and China. Heating is responsible for approximately 80 percent of particulate pollution in Ulaanbaatar, the capital of Mongolia, leading to levels of PM2.5 in excess of 900 µg/m³. This research will help local governments and regional organizations identify less-polluting technologies and barriers to their utilization. The research addresses air pollution, a topic that is an important matter of public concern in both the US, China, and Mongolia.

- *Timeframe*: Beginning December 1, 2017 through December 31, 2019.

- *Basis for the activity*

I have training and expertise that serves as the basis for this activity:

- in
-
- Publications: Published 14 peer-reviewed journal articles, three book chapters, and ten academic reports; and edited three books.

- *Relationship to official duties*

- The activity is not a part of my official duties (§ 2635.807(a)(2)(i)(A));
- The invitation was extended because of my expertise outside my EPA position, including my academic studies and publications (§ 2635.807(a)(2)(i)(B));
- ADB, the organization extending the invitation, does not have interests that “may be affected substantially by performance or nonperformance of [my] official duties” (§ 2635.807(a)(2)(i)(C));
- The activity will not involve the use of official US government ideas or data that are nonpublic (§ 2635.807(a)(2)(i)(D));
- The activity focuses on scholarly research of Mongolia and China’s development, environment, and environmental governance. This activity does not deal in significant part with any of my current assignments as a branch chief (§ 2635.807(a)(2)(i)(E)).
- I do not believe research, writing, and speaking about Mongolia and China’s development, environment, and environmental governance presents any conflicts with §§ 2635.402, 2635.502, or 2635.802.
- I will not reference my official EPA title in connection with this activity, but I may list my EPA position as one of several biographical details of equal prominence as allowed by § 2635.705(b)(1). I will list my affiliation with Resources for the Future, not EPA. Therefore, I do not believe the disclaimer required by § 2635.705(b)(2) is necessary. If, however, there would be a need to list my EPA affiliation, I would comply with the requirement to provide a prominent disclaimer and seek review/approval if required by office.
- I am seeking prior approval of the activity from EPA as required by §§ 2635.801(b)(2), 2635.803, and 6401.103.

- Any compensation (e.g., honorarium, travel reimbursement) I may receive will be solely for my research, writing, or speaking about China's economy, development, environment, and environmental governance, not in relation to my official duties or any particular matter in which the US is a party (§§ 2635.801(b)(1)-(3), (5)).
- When filing my annual financial disclosure report (OGE-450) I will report the outside activity and any honoraria or travel reimbursement as required by § 2634.907.

I do not believe there is any harm to the US government or EPA from the outside activity. As described above:

- The proposed activity does not (a) relate to my official duties, (b) conflict with my official duties, or (c) prevent me from performing my official duties nor disqualify me from participating in (or require my recusal from) official matters that would impair my ability to perform my official duties;
- There is no actual or perceived conflict of interest with regard to the outside activity;
- The outside activity does not involve the use of government resources or non-public information; and
- The outside activity does not focus on EPA policies or programs.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF AIR AND RADIATION

November 29, 2017

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity
(b) (6)

FROM: [REDACTED]

TO: Sarah Dunham, Director
Office of Atmospheric Programs (6201-J)

THRU: Reid Harvey, Division Director *RH*

This memorandum is to request your approval of outside activity (cf., 5CFR, Subpart H, Section 2635.803, Standards of Ethical Conduct for Employees of the Executive Branch). The following sections of this memorandum provide you with the information that you will need to make a determination.

As per an approved *Request for Approval of Outside Activity* dated February 10, 2017, I am serving as a Visiting Fellow at Resources for the Future (RFF). As part of the approval from Jeanne Duros, OGC Ethics Attorney, dated February 8, 2017, I am required to seek approval for each outside activity for which I accept outside funding:

[E]ach individual speaking, teaching or writing activity you engage in for which you propose to accept outside funding will require a separate outside activity approval because: (1) the specific topic may bring the activity within the compensation prohibition in [5CFR] 2635.807(a); and (2) the international nature of your work raises the potential for Emoluments Clause issues. As you may know, the Emoluments Clause of the Constitution prohibits federal employees from accepting gifts or compensation from instrumentalities of foreign governments, except pursuant to statutory approval.

- Full name, title and grade: (b) (6) Branch Chief GS-15
- Nature of outside employment, including a full description of the services to be performed and the amount (if any) of compensation expected:
in my role as a visiting fellow at RFF, I will contribute to and edit a book on regional air quality modeling and economic analysis in the region in and around Beijing, China. The project includes conducting secondary research; presenting research results to in-country stakeholders; and writing and editing the final book. The scope of the work does not relate to my official duties as a Branch Chief for the Emission Monitoring Branch. The ADB will provide funding for the project(s) and will reimburse out-of-pocket travel expenses (airfare, local transportation, and per diem) and may

compensate members for time spent working on the project(s). Any compensation from the ADB will be based on a project-specific rate of (b) (6) per day for up to 30 days.

Estimated travel expenses paid by ADB:

Airfare	(b) (6)
Per diem	(b) (6)
Local transportation	(b) (6)

- *Name and business of person or organization where work will be done. In cases of self-employment, indicate the type of service to be rendered and estimate the number of clients or customers anticipated during the next 6 months:*
Meetings will take place at a hotel (tbd) in Beijing, China. The ADB will organize all meetings. The analytical and writing activities will be done at RFF’s offices at 1616 P Street, NW, Washington, DC.
- *Estimated time to be devoted to activity:* Up to 30 days.
- *Whether service will be performed entirely outside of normal duty hours. If not, estimate number of hours absence from work required:*
The research will be performed during nonpay/nonduty status (e.g., weekends) and/or up to 32 hours of annual leave.
- *The basis for compensation (e.g., fee, per diem, per annum, etc.):*
The ADB will reimburse out-of-pocket travel costs and may provide compensation based on a daily remuneration rate and days worked on the project.
- *Identify any EPA assistance agreements or contracts held by a person to whom (or for whom) services would be provided:*
The ADB is a regional development bank. The funds for this project come from the ADB’s general funds and are not from special US or foreign government funds.

I have also read, and will abide by the restrictions described in 5CFR part 2635 and 6401.102.

 _____ I approve of this activity

_____ I do not approve of this activity



Sarah Dunham, Director
Office of Atmospheric Programs

Supplemental information about the outside activity and ethics rules

- *Activity*

Scholarly research and writing about China’s economy, development, environment, and environmental governance. This research will address topics that are important matters of public concern in both the US and China.

- *Timeframe:* Beginning November 30, 2017 through February 15, 2018.

- *Basis for the activity*

I have training and expertise that serves as the basis for this activity:

-
-
-



- Publications: Published 14 peer-reviewed journal articles, three book chapters, and ten academic reports; and edited three books.

- *Relationship to official duties*

- The activity is not a part of my official duties (§ 2635.807(a)(2)(i)(A));
- The invitation was extended because of my expertise outside my EPA position, including my academic studies and publications (§ 2635.807(a)(2)(i)(B));
- (b) (6) the organization extending the invitation, does not have interests that “may be affected substantially by performance or nonperformance of [my] official duties” (§ 2635.807(a)(2)(i)(C));
- The activity will not involve the use of official US government ideas or data that are nonpublic (§ 2635.807(a)(2)(i)(D));
- The activity focuses on scholarly research of China’s economy, development, environment, and environmental governance. This activity does not deal in significant part with any of my current assignments as a branch chief (§ 2635.807(a)(2)(i)(E)). In addition, the regulatory text states:

Section 2635.807(a)(2)(i)(E) does not preclude an employee, other than a covered noncareer employee, from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

This topic was explored further in Jack Maskell (2012)¹:

The central ethical issue in outside, compensated writing and lecturing is thus not whether the subject of a lecture or writing is merely “related” in some general, undefined way to the

¹ Jack Maskell, (2012). *Outside Employment, “Moonlighting” by Federal Executive Branch Employees*. CRS Report 7-5700. Available at: <https://fas.org/sgp/crs/misc/R42857.pdf>.

subject of one's employment or expertise with the government. It has not been perceived to be a significant or particular "conflict of interest" or ethical problem, in and of itself, for a government employee to share his or her knowledge or expertise, gained through the employee's education, background, and experience, with members of the public, or to join in the discussion of issues of public policy outside of the work place, even for additional compensation. Rather, the concerns have been with an employee wrongly using the perquisites of federal office, non-public information, government resources or supplies, for his or her own personal financial gain, and to the detriment of the government; the potential undue influence upon an employee in being compensated merely because he or she is a government official, or being compensated by an outside party whose interests may be affected by the employee's official duties for the government; the issue of divided loyalties if a government employee is compensated by a private party for his or her official government work; creating an outside employment or other financial interest which may pose a conflict of interest with official duties; and in restricting outside activities so as not to compromise confidential information or ongoing or recent government matters or decisions, or creating the appearance that the employee in his or her private capacity is somehow representing official government policy. (emphasis added)

- I do not believe research, writing, and speaking about China's economy, development, environment, and environmental governance presents any conflicts with §§ 2635.402, 2635.502, or 2635.802.
- I will not reference my official EPA title in connection with this activity, but I may list my EPA position as one of several biographical details of equal prominence as allowed by § 2635.705(b)(1). I will list my affiliation with Resources for the Future, not EPA. Therefore, I do not believe the disclaimer required by § 2635.705(b)(2) is necessary. If, however, there would be a need to list my EPA affiliation, I would comply with the requirement to provide a prominent disclaimer and seek review/approval if required by office.
- I am seeking prior approval of the activity from EPA as required by §§ 2635.801(b)(2), 2635.803, and 6401.103.
- Any compensation (e.g., honorarium, travel reimbursement) I may receive will be solely for my research, writing, or speaking about China's economy, development, environment, and environmental governance, not in relation to my official duties or any particular matter in which the US is a party (§§ 2635.801(b)(1)-(3), (5)).
- When filing my annual financial disclosure report (OGE-450) I will report the outside activity and any honoraria or travel reimbursement as required by § 2634.907.

Supporting court rulings

Several court rulings, specifically *Sanjour v EPA*², *Pickering v Board of Ed*³, *US v NTEU*⁴, and *Edenfield v Fane*⁵ provide useful guidance for assessing whether the government has a reasonable right or responsibility to prohibit an employee from participating in an outside activity and/or restricting his ability to accept an

² *Sanjour v. Environmental Protection Agency*, 56 F.3d 85 (D.C. Cir. 1995) <http://bit.ly/2hWulsa>

³ *Pickering v. Board of Education*, 391 U.S. 563 (1968) <http://bit.ly/2hRih3A>

⁴ *United States v. National Treasury Employees Union*, 513 U.S. 454 (1995) <http://bit.ly/2hRfW8O>

⁵ *Edenfield v. Fane*, 507 U.S. 761 (1993) <http://bit.ly/2hWxaPd>

honorarium or travel reimbursement. The following are useful references:

- In *Pickering*, the Court determined that a restraint on the speech of government employee must be “balance[d] between the interests of the [employee], as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees.” In *NTEU*, the court held that where “Government employees seek to exercise their right as citizens to comment on matters of public interest, and are not attempting simply to speak as employees upon personal matters, the Government must be able to satisfy a balancing test of the type set forth in *Pickering*...in order to maintain a statutory restriction on the employees’ speech.” The court also observed in *NTEU* that preventing federal employees from receiving any honorarium represented a “wholesale deterrent to a broad category of expression by a massive number of potential speakers,” and therefore “[gave] rise to far more serious concerns than could any single supervisory decision.”
- In *Fane*, the Court required that the government demonstrate actual harm before its interest may be deemed to justify a restriction on speech. The government’s “burden [of justifying the restriction] is not satisfied by mere speculation or conjecture; rather a governmental body seeking to sustain a restriction on ... speech must demonstrate that the harms it recites are real and that its restriction will in fact alleviate them to a material degree.” This is further elaborated in *Sanjour*: “In *Pickering* review of government actions against individual employees this court has already required that the government demonstrate actual harms to justify suppression of speech. We explained in *American Postal Workers Union v. United States Postal Service* ... that because the government bears the affirmative burden of ‘justifying’ actions stifling employee expression, the employee must prevail in the *Pickering* balancing ‘[g]iven the absence of any demonstrated harm’.”

I do not believe there is an obvious reason that the US government or EPA have any interest in restricting research, writing, or speaking (i.e., speech) about China’s economy, development, environment, or environmental governance. To the contrary, the US State Department’s embassy in Beijing and consulates around China maintain air quality monitors and publish data about environmental quality at <http://stateair.net/web/mission/1>. Similarly, the Congressional Research Service (CRS) publishes information about China’s economy (<http://bit.ly/2id0f8h>), energy (<http://bit.ly/2gZCrUA>), and environment (<http://bit.ly/2i7q3qz>).

The proposed outside activity involves matters of public concern – China’s economy, development, environment, and environmental governance – affecting over 1.3 billion people in China, including many US citizens and government employees that travel, live, and/or work in China, as well as millions of people living and traveling in the greater Asia region.

I do not believe there is any harm to the US government or EPA from the outside activity. As described above:

- The proposed activity does not (a) relate to my official duties, (b) conflict with my official duties, or (c) prevent me from performing my official duties nor disqualify me from participating in (or require my recusal from) official matters that would impair my ability to perform my official duties;
- There is no actual or perceived conflict of interest with regard to the outside activity;
- The outside activity does not involve the use of government resources or non-public information; and
- The outside activity does not focus on EPA policies or programs.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF AIR AND RADIATION

October 21, 2015

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: (b) (6)

TO: Sarah Dunham, Director
Office of Atmospheric Programs (6201-J)

THRU: Reid Harvey, Division Director *Karen DeKonsley for*

This memorandum is to request your approval of outside activity (cf., 5CFR, Subpart H, Section 2635.803, Standards of Ethical Conduct for Employees of the Executive Branch). The following sections of this memorandum provide you with the information that you will need to make a determination.

- Full name, title and grade: (b) (6) EPS GS-15
- Nature of outside employment, including a full description of the services to be performed and the amount (if any) of compensation expected: Serve as a committee member on a panel for a new associate professor at the Tsinghua University School of Environment. Services will include reading CVs and published works of candidates, and providing recommendations of each candidate's qualifications for the decision. (b) (6) will not have a role in selecting the final candidate or negotiation of terms for the candidate's appointment. Compensation will include a small honorarium (b) (6) and may include reimbursement for travel costs to participate in meetings (no meetings are anticipated as all communication is expected to be via email).
- Name and business of person or organization where work will be done. In cases of self-employment, indicate the type of service to be rendered and estimate the number of clients or customers anticipated during the next 6 months: Tsinghua University, Beijing, China.
- Estimated time to be devoted to activity: <80 hours over the next 2 months.
- Whether service will be performed entirely outside of normal duty hours. If not, estimate number of hours absence from work required: All activities will take place outside of normal duty hours. No official duty time or Government property, resources, or facilities will be used in connection with this outside activity.

(b) (6)

1200 Pennsylvania Avenue, Washington, DC 20460

(b) (6)

April 10th, 2017

I am seeking approval to accept an offer for a part-time faculty position as an Adjunct Professor at John Hopkins University in the fall of 2017 for which I would receive compensation of (b) (6) for the semester. The job would entail teaching one class per week at night after my official duty hours (425.603, "Climate Policy Analysis"), with an expected time commitment of 2.5 hours of teaching and 4 hours of preparation time per week over the period of August 28th to December 16th, 2017. The service will be performed entirely outside of normal duty hours, and will not use Government resources or facilities not available to the general public. The key contact person at John Hopkins is Dan Zachary who has no EPA assistance agreements or contracts.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.103 (EPA's Supplemental Regulations). According to CFR §2635.807, compensation is permitted for teaching, speaking, or writing even when such teaching might relate to the employee's official duties when either the class is part of a regularly established curriculum of an institution of higher learning, or if the subject is within the employee's discipline or inherent area of expertise based on his or her educational background. In this case, the class meets both criteria: the class is part of the regularly established curriculum of the Master of Science in Energy Policy and Climate program at John Hopkins, and the subject is one that I am qualified to teach based on my education (the

(b) (6)

Sincerely,

(b) (6)

(b) (6)

Ph.D.

Environmental Scientist, GS-15
Climate Science & Impacts Branch
United States Environmental Protection Agency

Reid Harvey


April 24, 2017

Concur

Do not concur

SUBJECT: Prior Approval of Outside Employment
DATE: 1/22/18
FROM: (b) (6)
THROUGH: Dan Barba, Director, NCAT, TATD
TO: Leila Holmes Cook, Deputy Ethics Official, OTAQ

Required by 5 CFR 6401.103 and reiterated in EPA policy, an employee must obtain approval from his or her Deputy Ethics Official before engaging in outside employment (with or without compensation). This approval must be re-obtained every five years; approval for the following request was last given in May 2013. The required form and content of the request is as follows:

The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) *Employee's name, title and grade:* (b) (6) Mechanical Engineer, GS-14.
- (2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;* This is a volunteer position, involving serving on the Committee of Engineering Accreditation of the American Society of Mechanical Engineers (ASME), which oversees matters related to accreditation criteria for mechanical engineering and related degree programs, selects, mentors, deploys and evaluates a cadre of over 125 program evaluators. There will be with no compensation other than the reimbursement of actual travel expenses.
- (3) *The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);* This outside activity would be through the American Society of Mechanical Engineers (ASME), a nonprofit professional organization.
- (4) *The estimated time to be devoted to the activity;* This position involves working on committee business and attending one or two committee meetings each year. The typical amount of time taken is about 20-40 hours of committee work throughout the year, plus a single day committee meeting.
- (5) *Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);* No official work hours will be used for this activity. If the activity occurs during times that are typically normal work hours, I will take leave for those hours. The committee meeting typically requires 2 days of annual leave.
- (6) *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;* No official duty time, government property, resources, or facilities not available to the general public will be used in connection with this outside employment.
- (7) *The basis for compensation (e.g., fee, per diem, per annum, etc.);* This is a volunteer position, with no compensation other than reimbursement of actual travel expenses.
- (8) *The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec. 6401.102;* I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and section 6401.102.

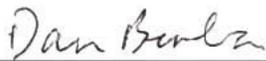
(9) *An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.* To my knowledge there are no assistance agreements between ASME and EPA.

To my knowledge, there are no factors in this proposed outside employment that would give rise to a conflict of interest or appearance of a conflict of interest, or that would involve conduct prohibited by statute or Federal regulations. If you have any questions or comments, please let me know.

Notes:

1. *Standard for approval:* Approval will be granted only when there is a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and Sec. 6401.102. The decision must be in writing.
2. *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.
3. *Definition of employment:* For this purpose, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

For Informational Purposes:



Dan Barba, Director, NCAT, TATD
3/15/18

Approval:



Leila Holmes Cook, Deputy Ethics Official

(b) (6)


5/1/18

SUBJECT: Prior Approval of Outside Employment
DATE: 1/22/18
FROM: (b) (6)
THROUGH: Dan Barba, Director, NCAT, TATD
TO: Leila Holmes Cook, Deputy Ethics Official, OTAQ

Required by 5 CFR 6401.103 and reiterated in EPA policy, an employee must obtain approval from his or her Deputy Ethics Official before engaging in outside employment (with or without compensation). This approval must be re-obtained every five years; approval for the following request was last given in May 2013. The required form and content of the request is as follows:

The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) *Employee's name, title and grade:* (b) (6) Mechanical Engineer, GS-14.
- (2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:* This is a volunteer position, involving evaluating mechanical engineering programs, at US and/or foreign institutions, for formal ABET accreditation. Part of the evaluation process includes a visit to the institution. There will be with no compensation other than the reimbursement of actual travel expenses.
- (3) *The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):* This outside employment would be through the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET), a nonprofit professional organization.
- (4) *The estimated time to be devoted to the activity:* This position involves evaluating one program per year. The typical amount of time taken is about 40 hours of preparatory work plus a three-day on-site visit.
- (5) *Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required):* No official work hours will be used for this activity. If the activity occurs during time that are typically normal work hours, I will take leave for those hours. The visit typically requires 2-3 days of annual leave.
- (6) *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:* No official duty time, government property, resources, or facilities not available to the general public will be used in connection with this outside employment.
- (7) *The basis for compensation (e.g., fee, per diem, per annum, etc.):* This is a volunteer position, with no compensation other than reimbursement of actual travel expenses.
- (8) *The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec. 6401.102:* I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and section 6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. To my knowledge there are no assistance agreements between ABET and EPA.

To my knowledge, there are no factors in this proposed outside employment that would give rise to a conflict of interest or appearance of a conflict of interest, or that would involve conduct prohibited by statute or Federal regulations. If you have any questions or comments, please let me know.

Notes:

1. *Standard for approval:* Approval will be granted only when there is a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and Sec. 6401.102. The decision must be in writing.
2. *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.
3. *Definition of employment:* For this purpose, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

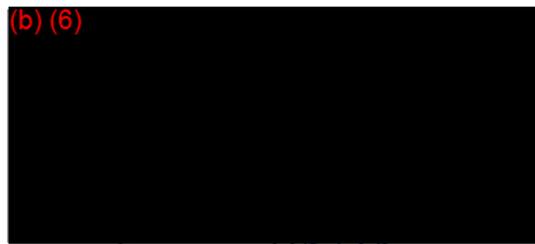
For Informational Purposes:

Dan Barba

Dan Barba, Director, NCAT, TATD

3/15/18

(b) (6)



3/15/18

Approval:

Leila Holmes Cook

Leila Holmes Cook, Deputy Ethics Official

Required by 5 CFR 6401.103 and reiterated in EPA policy, an employee must obtain approval from his or her Deputy Ethics Official before engaging in outside employment (with or without compensation). The required form and content of the request is as follows:

The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade;

(b) (6) **Engineer, GS 15-15**

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

Electronics design work, such as LED lighting, medical device prototypes, embedded controls. Light electronics repair – such as audio equipment. Expected compensation unknown, last year was about (b) (6)

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

NewmanWorks LLC, see description of work above.

(4) The estimated time to be devoted to the activity;

Part time, evenings and weekends.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Yes, I don't expect any effect on normal duty hours.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No government resources or facilities have been or will be used in connection with my outside employment.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

Usually hourly but sometimes by the job.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec. 6401.102; and

I have read and am familiar with 5 CFR part 2635 and 6401.102 and will abide by the restrictions therein.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

N/A

Notes:

1. Approval will be granted only when there is a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and Sec. 6401.102. The decision must be in writing.
2. For this purpose, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

no CHANGES 4/11/17

(b) (6)

Approved 4/11/17
for 5 years

Tracy R. [Signature]
4/11/2017

May 8th, 2014

MEMORANDUM

Subject: Request to Teach at the

(b) (6)

From:

(b) (6)

To: Chris Grundler, Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Resource Economics" at the Johns Hopkins University. The course will meet this summer starting on May 15th for fourteen weeks. My compensation will be (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the Johns Hopkins University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Approved

Disapproved

Chris Grundler
Deputy Ethics Officer, OTAQ

cc: Karl Simon

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at Johns Hopkins university.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving Johns Hopkins University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or
- (E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:
 - (1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Resource Economics.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



Christopher Grundler, Deputy Ethics Official, OTAQ

May 15, 2014

May 1st, 2015

MEMORANDUM

Subject: Request to Teach at the Johns Hopkins University

From: (b) (6)

To: Chris Grundler, Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Resource Economics" at the Johns Hopkins University. The course will meet this Summer (e.g., starting in mid-May) for fourteen weeks. My compensation will be (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the Johns Hopkins University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Approved

Disapproved

Chris Grundler
Deputy Ethics Officer, OTAQ

cc: Karl Simon

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at Johns Hopkins University.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving Johns Hopkins University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or
- (E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

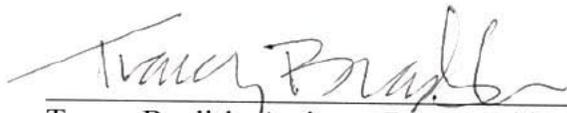
(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

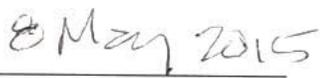
(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Natural Resource Economics.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section [2635.807\(a\)\(2\)\(i\)\(E\)](#) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.


Tracey Bradish, Assistant Deputy Ethics Official


May 8, 2015

May 4th, 2018

MEMORANDUM

Subject: Request to Teach at Johns Hopkins University

From: (b) (6)

To: Erica Watkins, Deputy Ethics Officer (Designate), OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Resource Economics" at Johns Hopkins University. The course will meet starting in May 2018 through August 2018. My compensation will be (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer (Designate) of OTAQ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the Johns Hopkins University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Approved

Disapproved

Erica Watkins
Deputy Ethics Officer (Designate), OTAQ

cc: Karl Simon

Analysis of the Request:

Per 6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation. Including 5 CFR part 2635 and 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at Johns Hopkins University.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation.

- (A) The activity is undertaken as part of the employee's official duties; No.
- (B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No.
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future potential activity (grants, contracts, etc.) involving Johns Hopkins University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in 2635.703(b) No; or
- (E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:
 - (1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No (or)

- (2) Any ongoing or announced policy, program or operation of the agency; No, except in the broadest terms on the topic of Environmental and Resource Economics.

According to the office of Government Ethics, the term "matter" is broader than "particular matter". OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee... from receiving compensation for teaching, speaking, or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that tis request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies within the Standards of Ethical Conduct to be present.



Erica Watkins, Assistant Deputy Ethics Official



Date:

April 7th, 2017

MEMORANDUM

Subject: Request to Teach at Johns Hopkins University

From: (b) (6)

To: Tracey Bradish, Deputy Ethics Officer (Designate), OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Natural Resource Economics" at Johns Hopkins University. The course will meet in the summer of 2017 (May through August). My compensation will be (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer (Designate) of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the Johns Hopkins University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Approved

Disapproved

Tracey Bradish
Deputy Ethics Officer (Designate), OETA

cc: Karl Simon

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at Johns Hopkins University.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving Johns Hopkins University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or
- (E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:
- (1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Resource Economics.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.


Tracey Bradish, Assistant Deputy Ethics Official

10 April 2017
April 10, 2017

August 26th, 2016

MEMORANDUM

Subject: Request to Teach at Johns Hopkins University

From: Michael Shelby

To: Tracey Bradish, Deputy Ethics Officer (Designate), OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Resource Economics" at Johns Hopkins University. The course will meet starting in September through December 2016. My compensation will be (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer (Designate) of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the Johns Hopkins University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Approved

Disapproved

Tracey Bradish
Deputy Ethics Officer (Designate), OTAQ

cc: Karl Simon

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at Johns Hopkins University.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving Johns Hopkins University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or
- (E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

- (1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Resource Economics.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



Tracey Bradish, Assistant Deputy Ethics Official

2 Sept 2016

rec'd

January 15th, 2014 → 2016

TB

MEMORANDUM

Subject: Request Permission to Supervise a Masters Thesis at the Johns Hopkins University

From: (b) (6)

To: Tracey Bradish, Deputy Ethics Officer (Designate), OTAQ

I am writing to request your permission to supervise a Masters Thesis by a student who took my graduate-level course entitled "Environmental and Resource Economics" at the Johns Hopkins University this past Fall. The work would take place in Spring, 2016. The compensation for supervision of the Masters Thesis would be (b) (6). This work would meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the Johns Hopkins University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Approved

Disapproved

Tracey Bradish
Deputy Ethics Officer (Designate), OTAQ

cc: Karl Simon

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time advising and consulting on a Masters thesis for a student at Johns Hopkins University.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving Johns Hopkins University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of environmental resources and economics, which is (b) (6) area of expertise.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.


Tracey Bradish, Assistant Deputy Ethics Official


February 29, 2016

May23rd, 2017

MEMORANDUM

Subject: Request to Teach at Johns Hopkins University

From: (b) (6)

To: Tracey Bradish, Deputy Ethics Officer (Designate), OTAQ

I am writing to request your permission to teach two graduate-level courses entitled "Environmental and Natural Resource Economics" at Johns Hopkins University. The courses will meet in the summer of 2017 (May through August). My compensation will be (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer (Designate) of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the Johns Hopkins University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Approved

Disapproved

Tracey Bradish
Deputy Ethics Officer (Designate), OTAQ

cc: Karl Simon

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at Johns Hopkins University.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving Johns Hopkins University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or
- (E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

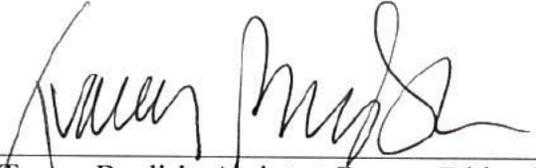
(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Resource Economics.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6). Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



Tracey Bradish, Assistant Deputy Ethics Official

29 May 2017

May 29, 2017

November 23rd, 2016

MEMORANDUM

Subject: Request to Teach at Johns Hopkins University

From: (b) (6)

To: Tracey Bradish, Deputy Ethics Officer (Designate), OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Natural Resource Economics" at Johns Hopkins University. The course will meet in January 2017. My compensation will be (b) (6). The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer (Designate) of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with the Johns Hopkins University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Approved

Disapproved

Tracey Bradish
Deputy Ethics Officer (Designate), OTAQ

cc: Karl Simon

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. (b) (6) seeks to accept a short-term, part-time position teaching a class at Johns Hopkins University.

In considering whether (b) (6) request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving Johns Hopkins University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or
- (E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:
- (1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Resource Economics.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from (b) (6).
Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



Tracey Bradish, Assistant Deputy Ethics Official

7 December 2016

December 7, 2016

Soward, Ruth-Alene

From: Soward, Ruth-Alene
Sent: Friday, May 25, 2018 3:15 PM
To: (b) (6)
Subject: RE: Request @ Employment and FY2018 Ethics Training Completed By (b) (6)

(b) (6) your requests for outside employment are approved with the following caveats:

Please remember that there is no de minimis use of government equipment for compensated outside activity. In other words, you can NEVER use your EPA email, computer, equipment, work station, etc. for your outside employment, not even during lunch or before/after hours. I know you certified below that you will not use official duty time or Government property, resources, or facilities for the outside activity, but I just want to be sure you understand the part about "not even during lunch or before/after hours." Also, if any of the information you provided below changes, please submit an updated request for approval based on the new factors.

Generally, an approval for outside employment remains valid for five years, although you must request a new approval should there be a change in the nature or scope of the duties. In addition, new approval must be sought when you transfer to an organization responding to a new or different Deputy Ethics Official (DEO).

Having said all that, best of luck in your endeavors!

Ruth (your OCFO DEO)

From: (b) (6)
Sent: Wednesday, April 11, 2018 5:54 PM
To: Soward, Ruth-Alene <Soward.Ruth-Alene@epa.gov>
Subject: Request @ Employment and FY2018 Ethics Training Completed By (b) (6)

The request must be sent through your immediate supervisor (for your supervisor's information) and must include:

Position 1:

1. Your name, title and grade – (b) (6), 2210, 14
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected – licensed real estate broker in NC, currently out-of-state (can only do Broker Price Opinions (BPO) or Referral fee(s)), unless HUD Broker credentials reinstated
3. The name and business of the person or organization for which the work will be done. In cases of self-employment, you'll have to indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months – K H Realty, BPOs/Referrals, unknown number of clients
4. The estimated time to be devoted to the activity -- -- unknown hours per week (license are out-of-state)
5. Whether the service will be performed entirely outside of normal duty hours (or if not, estimate the number of hours of absence from work required) – entirely outside of normal duty hours
6. A statement that you won't use official duty time, or Government property, resources, or facilities not available to the general public for the outside activity – I will not use official duty time or Government property, resources, or facilities for the outside activity
7. The basis of your compensation (e.g., fee, per diem, per annum) – compensation will be a percentage of sales paid by HUD (when applicable), BPO or Referral fee
8. A statement that you have read, are familiar with, and will abide by restrictions in 5 C.F.R. 2635 and 6401.102 – I have read, am familiar with, and will abide by the restrictions
9. Identification of any assistance agreements or contracts held by a person to or for whom services are to be provided.-- None

Position 2:

1. Your name, title and grade – (b) (6), 2210, 14
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected – book publishing, amount of compensation unknown until book completion
3. The name and business of the person or organization for which the work will be done. In cases of self-employment, you'll have to indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months – PeaceIsPricelessPublishing, publishing, unknown number of customers
4. The estimated time to be devoted to the activity -- -- 10 hours per week
5. Whether the service will be performed entirely outside of normal duty hours (or if not, estimate the number of hours of absence from work required) – entirely outside of normal duty hours
6. A statement that you won't use official duty time, or Government property, resources, or facilities not available to the general public for the outside activity – I will not use official duty time or Government property, resources, or facilities for the outside activity
7. The basis of your compensation (e.g., fee, per diem, per annum) – compensation will be a percentage of sales per book printed (when applicable)
8. A statement that you have read, are familiar with, and will abide by restrictions in 5 C.F.R. 2635 and 6401.102 – I have read, am familiar with, and will abide by the restrictions
9. Identification of any assistance agreements or contracts held by a person to or for whom services are to be provided.-- None

Bloom, David

From: Bloom, David
Sent: Tuesday, September 11, 2018 5:27 PM
To: Fugh, Justina
Cc: Osborne, Howard
Subject: FW: Affiliate Adjunct Professor for the MS in Environmental Metrology and Policy program

Justina,
I concur on (b) request. David

From: (b) (6)
Sent: Tuesday, September 11, 2018 5:07 PM
To: Osborne, Howard <Osborne.Howard@epa.gov>; Bloom, David <Bloom.David@epa.gov>
Subject: Affiliate Adjunct Professor for the MS in Environmental Metrology and Policy program

Hi Howard, David,

Last year I did a series of guest lectures at Georgetown which I thoroughly enjoyed. This year I am interested in taking the step of teaching and am being considered for an Affiliate Adjunct Professor for the MS in Environmental Metrology and Policy program.

The class is titled "Introduction to US/ International Environmental Laws and Regulations" and I would be co-teaching with the associate Director/ Professor. The non-paid position would be outside my normal duty hours and I would devote approximately 5 hours a week.

I understand that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment; and that I am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.103 (EPA's Supplemental Regulations); and

I am not aware of any EPA assistance agreements or contracts held by the University, there is however a MOU in place with Georgetown and NIST supporting the Environmental Metrology and Policy program.

Thanks

(b)
(6)

(b) (6)

(b) (6)

Office of the Chief Financial Officer
United States Environmental Protection Agency
Washington, D.C. 20460

(b) (6)

